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OF THE
STATE OF ALABAMA
REGULAR SESSION
Of 1975

**HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 6, 1975**



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CLERK OF THE HOUSE**

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HOUSE OF REPRESENTATIVES
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REGULAR SESSION OF 1975

THIRTY-FIRST DAY

House of Representatives
Montgomery, Alabama
Thursday, September 18, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Bryan Wilson, Pastor, Montgomery Missionary Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirtieth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirtieth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirtieth legislative day was approved.

LEAVES OF ABSENCE

At the request of Mr. Crowe, leave of absence was granted for Mr. Burgess, due to illness.

At the request of Mr. Williams, leave of absence was granted for Mr. Crawford.

MOTION IN WRITING FILED

Mr. Gafford filed the following Motion in Writing:

Having voted on the prevailing side by which House Bill 1633 failed to receive a three-fifths vote, I hereby move to reconsider the vote by which said bill failed.

MOTION IN WRITING FILED

Mr. Teague filed the following Motion in Writing:

Having voted on the prevailing side, I move to reconsider House Bill 837.

REPORT FILED

Pursuant to House Joint Resolution 116, Act No. 133, Regular Session of the 1975 Legislature, Rep. Kerry Rich, Chairman, submitted the report of the committee on "Sunday Closing", and the report was ordered filed.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to wit:

H. 167. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Also:

H. 168. To alter, rearrange and extend the boundary lines of the City of Scottsboro, Jackson County, Alabama, so as to include within the corporate limits thereof certain additional territory lying within the following described boundaries, situated in Jackson County, Alabama.

Also:

H. 1302. To authorize the County Commission of Randolph County to provide for the relief of the Farm Bureau Insurance Company for the payment of a claim arising from a wreck between a Randolph County truck and a car driven by James East.

Also:

H. 1047. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city

limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

Also:

H. 753. To amend Section 6 of Act No. 48, H. 413, Regular Session 1973 (Acts 1973, p. 76) regulating the employment of all legislative employees so as to provide for the employment of one additional page for each house to be appointed upon recommendation of the Department of Youth Services.

Also:

H. 917. To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

Also:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor and tax collector of said county; and giving this Act retroactive effect.

Also:

H. 918. Pertaining to the Sixth Judicial Circuit and relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of the 1973 Regular Session of the Legislature of Alabama, and to the compensation of Bailiffs for the Sixth Judicial Circuit, amending Act No. 332 of the 1969 Regular Session of the Legislature of Alabama, and to the compensation of the official court reporters, amending Act No. 2085 of the 1971 Regular Session of the Legislature of Alabama.

Also:

H. 1172. Relating to all counties having a population of 90,000 to 100,000 inhabitants according to the most recent Federal Decennial Cen-

sus; to provide that all county boards of education in such counties, shall have the power to borrow against revenues derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such counties, at any time in the future vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Also:

H. 1214. Relating to Cullman County; to reimburse the office of the judge of probate for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state examiner, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Also:

H. 815. To amend further Title 46, Sections 71 and 73, Code of Alabama 1940, relating to the state licensing board for general contractors; so as to increase the amount of the funds deposited in the state treasury to the credit of such licensing board that the board may retain, and increase application and renewal fees.

Also:

H. 1049. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Also:

H. 1483. Providing that the counties comprising the Third Judicial Circuit shall increase the compensation of the circuit court reporter so that his total salary shall equal \$12,000 per annum.

Also:

H. 121. To provide for the appointment, duties and Compensation of Twenty-one Deputy District Attorneys in the Tenth Judicial Circuit of Alabama, Birmingham Division.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 828. Relating to the eradication and control of swine diseases: to make an appropriation to the department of agriculture and industries for the fiscal year ending September 30, 1976, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera, African swine fever and other swine diseases.

Also:

H. 1044. To further amend Act No. 502 of the Legislature of Alabama of 1923, approved September 29, 1923 (General Acts of Alabama of 1923), Page 663, et seq.), which established a policeman's pension system for cities having a population of 100,000 or more, as re-enacted by Act No. 238 of the Legislature of Alabama of 1943, approved June 28, 1943, (General Acts of Alabama of 1943, Page 241, et seq.), as heretofore amended; to make the provisions of this act retroactive.

Also:

H. 1136. To further amend Sections 89, 94, and 95 of Title 51 of the Code of Alabama of 1940, as amended, changing population spans, methods of compensation and appointment of officers.

Also:

H. 1116. To create the positions of and establish a salary range for the positions of stenographic secretary for each of the judges of the 26th judicial circuit.

Also:

H. 1071. Relating to the stenographic secretary appointed by the district attorney in every judicial circuit, composed of one county with a population of not less than 27,000 nor more than 27,900, so as to authorize an additional expense allowance for the stenographic secretary.

Also:

H. 1034. To provide in Madison County, Alabama, that the fee charged for issuing any license to a person to carry a pistol in a vehicle or concealed on or about his person pursuant to Section 177, Title 14, Code of Alabama, 1940, as last amended, shall be Five Dollars (\$5.00), four dollars of which shall be earmarked for the "betterment of county law enforcement", available upon requisition of the sheriff for such purposes.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 139. CREATING A JOINT CONTINUING COMMITTEE TO STUDY REAL ESTATE LICENSING LAWS.

Also:

H. J. R. 249. CONGRATULATING WKLF-WEZZ FOR A JOB WELL DONE.

Also:

H. J. R. 251. MOURNING THE DEATH OF DWIGHT M. JACKSON.

Also:

H. J. R. 258. COMMENDING THE STAR SPANGLED SINGERS FOR THEIR PRESENTATION "WHAT PRICE FREEDOM?" BEFORE THE LEGISLATURE.

Also:

H. J. R. 261. HONORING MRS. ELLEN LAUNIUS HARDING WHO IS RETIRING AFTER THIRTY-SIX YEARS OF TEACHING IN THE JEFFERSON COUNTY SCHOOLS.

Also:

H. J. R. 265. COMMENDING THE CONFEDERETTES OF LEE HIGH SCHOOL, HUNTSVILLE, ALABAMA, FOR WINNING THE HIGHEST HONORS AT HALFTIME, USA.

Also:

H. J. R. 266. MOURNING THE DEATH OF MRS. LUCY BLACKBURN MOORE.

Also:

H. J. R. 268. CONGRATULATING MISS ALETHA AVANT ON BEING CHOSEN AS THE AUTAUGA COUNTY FARM BUREAU QUEEN.

Also:

H. J. R. 269. CONGRATULATING MISS CATHY WOOD ON BEING CHOSEN AUTAUGA COUNTY MAID OF COTTON.

Also:

H. J. R. 272. CONGRATULATING MISS ANN SMITH UPON WINNING THE 1975 SCOOP AWARD.

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Also:

H. J. R. 286. COMMENDING DAN WILEY.

Also:

H. J. R. 287. CONGRATULATING DENISE TODD FOR HER ACADEMIC ACHIEVEMENTS AT AUBURN UNIVERSITY.

Also:

H. J. R. 288. HONORING THOSE GALLANT MEN FROM LAWRENCE COUNTY WHO LOST THEIR LIVES IN SOUTHEAST ASIA IN THE VIETNAM CONFLICT.

Also:

H. J. R. 289. LAMENTING THOSE PERSONS WHO LOST THEIR LIVES IN LAWRENCE COUNTY DURING THE TORNADOES ON APRIL 3, 1974.

Also:

H. J. R. 323. COMMENDING ELBERT A. DODD UPON HIS ELECTIONS AS NATIONAL TRUSTEE AND AS NATIONAL LEGISLATIVE COMMITTEEMAN AT THE NATIONAL FRATERNAL ORDER OF POLICE CONVENTION.

Also:

H. J. R. 327. COMMENDING THE FOUR NATURALS ON THEIR SMOOTH BRAND OF MUSICAL ENTERTAINMENT.

Also:

H. J. R. 332. COMMENDING OUR COLLEAGUE, RONALD E. JACKSON ON ATTAINING NATIONAL RECOGNITION.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Mr. Malone, Chairman of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1806. To repeal Section 7 of Act No. 298, Senate 341, Regular Session 1943 (Act 1943, p. 252) as amended, relating to labor and known as the "Bradford Act."

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1204. To authorize, empower and direct Regional Mental Health and Developmental Disabilities Authorities to provide comprehensive community services for all developmentally disabled persons; to authorize, empower and direct the Department of Mental Health and Developmental Disabilities to encourage and assist Regional Mental Health and Developmental Disability Authorities organized under Act 310 in planning and developing community services through consultation, provisions of standards and financing of all operating cost; to provide a short title; to provide for the declaration of policy; to provide definitions; to provide for the application of the Act; to provide for the Department of Mental Health and Developmental Disabilities to establish standards; to provide for the employment of professional and non-professional personnel; to provide for full implementation of this Act by June 30, 1981; to provide for the application of a specific Act; to repeal conflicting laws; and for other purposes.

H. 1206. To amend Section 1 of Act No. 106, S. 13, 1971 Regular Session (Acts 1971, p. 373), which is the Alabama Exceptional Child Education Act, so as to include the profoundly retarded child under the provisions of the act.

S. 775. To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

S. 473. Providing that committees of dentists appointed or formed as Utilization Review and Quality Control Committees, Peer Review Committees and Professional Standards Review Committees shall not be deemed liable in damages for actions taken or recommendations made when acting in good faith on facts reasonably known to exist.

S. 698. Relating to Mental Health, entering the Interstate Compact on Mental Health, providing for proper and expeditious treatment of the mentally ill and mentally deficient by cooperative action with other party states, without regard to the residence or citizenship of the patient.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1489. (With Substitute): To expressly repeal a portion of Section 3, Act No. 1948, H. 1151, 1971 Acts, page 3146, approved September 20, 1971.

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 382. To authorize the establishment of a security medical facility under the jurisdiction of the Alabama Mental Health Board; to establish sources and procedures for admission to said facility; and to provide for the charges for the cost of treatment.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

S. 768. Relating to the registration of cotton buyers; providing for a registration fee; prohibiting certain acts and providing a penalty; and declaring an emergency.

S. 450. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1643. Relating to landlord and tenant in all counties having populations of not less than 60,000 nor more than 65,000, according to the most recent federal decennial census; defining terms; and providing procedures regarding payment and refund of tenants' deposits and providing for interest thereon.

H. 1883. To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census so as to further regulate the days, hours, and places of the meetings of the board of registrars and the compensation of its members.

H. 1884. To provide an expense allowance for the Register in Chancery for Cherokee County, Alabama.

H. 1885. To provide an expense allowance for the Deputy Solicitor for Cherokee County, Alabama.

H. 1886. To provide an expense allowance for the Tax Assessor for Cherokee County, Alabama.

H. 1887. To provide an expense allowance for the Tax Collector for Cherokee County, Alabama.

H. 1889. Proposing a further amendment to Amendment No. 331 of the Constitution of Alabama relating to court costs and charges and to the compensation of certain officers of Cleburne County, eliminating the requirement for a county referendum.

The above bill was read a second time at length as required by the Constitution.

H. 1892. To provide for the compensation of bailiffs for the grand jury and for bailiffs serving in courts in Shelby County.

H. 1894. Relating to Marengo County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials.

H. 1898. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, the tax collector, and the circuit clerk of Washington County on a salary basis of compensation.

The above bill was read a second time at length as required by the Constitution.

H. 1899. A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

H. 1901. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

H. 1902. To amend the title and Section 1 of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), which Act provides further for the compensation of members of the county board of education of certain counties classified on a population basis.

H. 1903. To authorize the creation of the office of commissioner of licenses of Walker County; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

H. 1905. To amend Section 13 and 14 (a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper, in relation to the number of days an employee can be suspended without right of hearing; and permitting any citizen to file charges.

H. 1906. To amend Sections 2 and 3 of Act No. 1067, S. 938, Regular Session of 1973 (Acts 1973, p. 1802) which act provides for a county commission in all counties having a population of not less than 55,500

nor more than 56,500 inhabitants according to the most recent federal decennial census so as to provide further for the election of the members of said commission and to provide further for the meetings of said commission.

H. 1912. Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

H. 1914. To create a county planning commission in every county in this state which has a population of not less than 27,900 nor more than 33,500, according to the most recent federal decennial census; to provide for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of the county; to provide for an election in each beat prior to the application of such authority of the commission in each beat; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions to such zoning regulations and for appeals from the decisions of the Commission.

H. 1916. Relating to Cullman County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the paving of roads in Cullman County.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1446. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Articles IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor, and Councilman.

H. 1518. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

H. 1738. To provide for an expense allowance for the president of the board of commissioners and each associate commissioner of the board of any city having a population of not less than 32,000 nor more than 34,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

H. 1810. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1895. To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said Fund and to repeal all conflicting statutes.

H. 1897. Relating to counties with a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, to exempt the governing body of counties to which this act applies and the governing body of municipalities located within counties to which this act applies from the lease tax levied by Act No. 96 First Special Session 1971 (Acts 1971, p. 166).

H. 1761. To amend further Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, p. 326), as amended, which fixes the membership of the Board of Policemen's and Fire Fighters' Pensions of the City of Mobile, so as to provide for election of certain members of such board, to amend Sections 14 and 15 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, p. 326), as amended which provide for the retirement of members or former members of the Mobile Police and Fire Departments, so as to provide that except in the case of a merit raise, no member's salary shall be raised within six (6) months before retirement.

H. 1721. Relating to Mobile County; providing for the compensation of the president of the Mobile County Law Enforcement Association and the president of the Mobile Firefighters Association local No. 1349 while such presidents are engaged in certain association business.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1242. (With Substitute): To change the governing body of Mobile County from the present three (3) member commission form to a five (5) member commission form with the members to be elected from separate districts and to repeal conflicting laws.

H. 1243. (With Substitute): Relating to Mobile County; providing for the reappointment of the Mobile County Board of School Commissioners to consist of five members elected from the House districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the follow-

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ing bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1562. (With Substitute): To Amend Act No. 168 (H. 270) Special of 1966, as amended (Article 8A, Title 55, Code of Alabama as Recompiled and Amended) relating to the Alabama Historical Commission revising the responsibilities of the agency.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 306. To amend and re-enact Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforces rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate section 14; and to renumber certain sections.

H. 1904. To provide that the Mine Technology Building at Walker State Technical College shall be named The Robert T. Wilson Mine Technology Building for Senator Robert T. Wilson and to repeal all conflicting statutes.

H. 1846. To amend Act No. 1265, H. 360, Regular Session 1971 (Acts 1971, p. 2194), which act pertains to the legal possession of certain quantities of alcoholic beverages in certain places, so as to provide further for those places in which such beverages can be legally possessed.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1859. (With Amendments): To provide further in regard to activities prohibited on Sunday; to repeal Sections 420, 421, and 422, Title 14, Code of Alabama, as last amended; and to enact new provisions, and to prescribe punishment for violations of the provisions of this act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 891. Relating to taxation, to provide an exemption from Advalorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises; and providing for penalties.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 1018. (With Substitute): Relating to elections; to define "primary elections"; to provide party may choose to come under law; to define "political party"; to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party committees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairman to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to provide for method of registering voters by political party preference and requiring all voters in future primaries to be registered as a member of respective party; to provide for method of changing party registration; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 430. To amend the Code of Alabama 1940, Title 12, Section 115 relating to claims against the County so as to remove the requirement that claims be sworn to.

S. 245. Providing for the coverage of the employees of all counties and certain municipalities under the provisions of the Workmen's Compensation Law; and for this purpose amending the Code of Alabama 1940, Title 26, Section 263.

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

S. 495. To authorize the governing bodies of counties in this state to make temporary loans in anticipation of the receipt of funds from the United States under the "State and Local Fiscal Assistance Act of 1972".

S. 496. To amend Section 125 of Title 12, Code of Alabama 1940, as last amended, which relates to the interest rate and maturity of temporary loans made by the county governing bodies in anticipation of taxes.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 908. (With Amendment): To amend Section 233, Title 51, Code of Alabama 1940, to increase the mileage allowance to the tax collectors of the various counties for coming to and returning home from the seat of government for the purpose of making their final settlement each year with the comptroller.

Mr. Venable, as Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 161. To authorize the County Commission or like governing body of each of the several Counties of the State to join and participate in a National and State Association of County Commissions and to appropriate such funds as it may deem necessary for the maintenance and support of such Association.

S. 925. To authorize any county in the state to acquire any water works plant or distribution system owned by a municipality or public corporation within such county and to assume any indebtedness connected therewith; to authorize any municipality in the state to sell or convey any such water works plant or water distribution system, or both, to the county in which the system is located, upon the assumption of any indebtedness connected therewith, without an election; and to require publication of a notice with respect thereto.

H. 1332. To repeal Section 9A of Act No. 2305, H. B. 875, 1971 Regular Session [Acts 1971, p. 3719; now appearing in Code of Alabama Recompiled 1958, Title 51, Section 431 (23)] which prohibits counties from levying coal severance taxes.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1368. (With Amendment): To amend Code of Alabama 1940, Title 40, Section 1 and Act No. 431, S. 155, Regular Session 1943, [Acts 1943, p. 400, now appearing in Code of Alabama, Recompiled 1958, Title 40, Section 21], entitled "An Act To provide for the appointment by the Governor of a competent number of notaries public for the state at large; to fix their term of office and to define their jurisdiction, power and authority and to provide for making of bond and the adoption of a seal," as amended, to require the probate judge, upon issuance of a notary public commission, to report such to the secretary of state.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1727. To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1737. (With Amendment): To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1790. To amend Section 8, Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), relating to Alabama Pollution Control Finance Authority, so as to increase the amount of bonds authorized to be issued by the Authority from \$25,000,000 to \$30,000,000 and to increase the years of maturity from not exceeding 30 to not exceeding 40 years.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 801. (With Amendments): To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1648. To define the crime of assassination; to name the punishment; and to define "public official."

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1609. (With Substitute) (With Amendments): To regulate further the Aid to Dependent Children program; to authorize and empower the Department of Pensions and Security to operate child support programs, locate absent parents, establish paternity, enforce child support obligations, to intervene and appear in judicial proceedings on behalf of any child for such purposes, and to collect and distribute support payments, all in the manner prescribed by the Social Security Act, as amended, in order to obtain maximum benefits under the Social Security Act, as amended; and to prescribe penalties.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 539. To amend Act No. 1407, S. 414, 1971 Regular Session [Acts of 1971, p. 2378]; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258(25)-(60)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970 and to repeal existing state statutes in conflict," so as to include penalties for conspiracy and attempt to violate the act.

H. 541. To amend Section 213 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2391; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (57)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," relative to distribution of annually revised and republished schedules of controlled substances.

H. 542. To amend Section 403 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2396; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (49)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," relative to counterfeit substances, and materials and apparatus used to manufacture controlled substances.

H. 543. To amend Section 504 of Act No. 1407, S. 414, 1971 Regular Session [Acts 1971, p. 2398; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (57)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to provide for forfeiture of money or other personal property used in violation of said act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 544. (With Amendment): To amend Section 402 (3) of Act No. 1407, S. 414, 1971 Regular Session [Acts of 1971, p. 2396; now appearing in Code of Alabama Recompiled 1958, Title 22, Section 258 (48) (3)], entitled "An Act To provide a Uniform Alabama Controlled Substances Act for preventing drug abuse and drug dependence, to standardize all laws in this state to be in conformity with the new Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, and to repeal existing state statutes in conflict," so as to provide that first offense failure to keep required documents and records shall be punishable to the same degree as subsequent violations.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 845. To authorize every municipality in the State of Alabama and certain public corporations to transfer and convey, without an election, any gas system or part thereof, now or hereafter owned by such municipality or public corporation to any utility corporation subject to regulation by the Alabama Public Service Commission; to require prior approval by the said Commission of any such transfer and conveyance and of the terms thereof; to require that any such transfer and conveyance be made for not less than fair market value as determined by the said Commission; and to require prior approval, by each municipality

which authorized, consented to, or made determinations prerequisite to the incorporation of a particular public corporation, of any such transfer or conveyance by such public corporation.

S. 762. To provide for the commitment, recommitment or continued custody of any person accused of a crime but not yet tried or convicted and presently committed to the custody of the Department of Mental Health at Bryce or Searcy Hospitals or other facilities designated by the Commissioner of said Department; to require the judges of the courts of the state to remand back to their respective counties all persons in said hospitals or facilities against whom criminal charges have been nolle prossed or otherwise dismissed; to provide for the commitment, recommitment, or continued custody of a person who has been adjudicated "not guilty by reason of insanity" of any crime and who is presently committed to the custody of the Department of Mental Health at Bryce or Searcy hospitals or other facilities designated by the Commissioner of said Department; to provide for the commitment, recommitment to the custody of the Department of Mental Health from the persons of the state pursuant to the provisions of Title 45, Section 222, 223, and 224 Code of Alabama 1940, as Recompiled 1958, or the transfer back to the prisons under appropriate circumstances; upon application of the Commissioner of the Department of Mental Health or his designee to authorize the governor to appoint one or more special judges of probate for the purpose of considering hearing and making appropriate orders with regard to the commitment, or recommitment or continued custody of such persons; to provide the judicial authority of such special judges of probate; to provide the jurisdiction of such probate courts over such person; to provide the qualifications of such special judges of probate, and to provide an appropriation to carry out the purposes of this Act.

S. 517. To authorize the registers and clerks of the circuit courts of this state to destroy all exhibits offered and received in evidence in civil, and equity cases on or after one year from the final disposition of the case in which they were offered and received.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 106 (With Amendments): To amend Act No. 253, Special Session 1966 which exempts from civil liability certain persons who render emergency care at the scene of an accident, casualty or disaster, to read as follows:

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1236. To make an appropriation from the general fund in the state treasury to be used by the Alabama Code revision committee named in the State of Alabama contract with Michie's and Bobbs-Merrill Co. for the purposes of the contract, revising, digesting and codifying the statutes of the state of a general and permanent nature, and otherwise implementing the adoption and publication of a new code.

H. 1893. To make an appropriation of State funds for the fiscal year 1975-76 to the office of the Secretary of State.

H. 1917. To provide for creation of a permanent joint highway committee of the Legislature to facilitate and coordinate a long-range program of highway development in the state, to empower said committee to review and approve long-range (20-year) highway development plans, review annual plans for highway construction, modification, maintenance and administration and annual budgets for the State Highway Department, which plans and budgets shall be submitted to said committee by the State Highway Department; to empower said committee to review priorities for all highway construction and modification projects under jurisdiction of the State Highway Department, to inspect performance of state highway functions, to conduct hearings, call witnesses and employ consultants, and to do all things necessary or desirable in connection with and incidental to the foregoing functions, and to require that all highway legislation be referred to said committee for its recommendations and approval.

H. 1729. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Revenue Department, Public Service Commission, Industrial Relations Department, Health Department and Insurance Department.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 1778. (With Substitute): To make an appropriation from the general fund of the State Treasury to the Alabama Historical Commission of the sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) to be used for the purpose of fully restoring Fort Toulouse and to develop the Fort Toulouse Complex.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1076. (With Amendment): To provide that the State Department of Mental Health shall remit a certain sum of money to out-of-state mental institutions or hospitals for the purpose of defraying expenses incurred by a dependent member of any resident taxpayer's family who has to be confined to such institution or hospital for special treatment; to provide for an additional appropriation to finance this program; to authorize the Commissioner of the Department of Mental Health to promulgate such rules and regulations necessary to implement the provisions of this act and to repeal all conflicting statutes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1367. To further amend Section 1, Act No. 47, H. 92, Special Session 1961, (Acts 1961, Vol. II, p. 1904), as last amended, entitled, "Further amending Act No. 47, Special Session 1961 (Acts 1961, p. 1904) now appearing in Alabama Code, Recompiled 1958, as Title 51, Section 12 (2); providing exemptions from taxation and licensing of certain char-

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itable, religious, or civic organizations", so as to include the Alabama Society for Crippled Children and Adults, Inc., and its affiliates, and The Huntsville Foundation, Inc., in such exemptions.

H. 1840. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

H. 856. To amend Act No. 763, H. 286 [Acts 1973, p. 1145- now appearing in Code of Alabama, Recompiled 1958, Title 55, Section 378 (1a)], which act provides for subsistence allowances for certain law enforcement officers so as to include law enforcement officers of the State Board of Pardons and Paroles and to repeal conflicting statutes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1653. (With Amendment): To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration therefor.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1457. Exempting the Cherokee County and the Etowah County Rescue Squads from all state, county, and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

H. 1432. Relating to state revenue, exempting certain persons, firms or corporations engaged in the business of operating taxi cabs from the payment of certain excise or privilege license taxes levied upon the sale, storage or consumption of gasoline or other motor fuels used in the operation of such taxi cabs; prescribing certain rules and procedures relative to such exemptions; prescribing penalties for wrongful use of exemption certificates and repealing all conflicting statutes.

H. 1834. To amend Section 193 of Title 51, Code of Alabama 1940, which section provides that a fee of fifty cents be paid by each delinquent taxpayer to the tax collector for making actual demand on such taxpayer for delinquent taxes, so as to increase said fee for making actual demand on delinquent taxpayers to two dollars, and to provide for the distribution thereof.

H. 1891. To exempt the Chilton County Rescue Squad from the payment of all sales and use taxes.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1847. To apply in counties having population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census, designating the number of employees authorized by the sheriff's department, compensation of such employees, and to repeal conflicting laws.

H. 1878. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census, providing that the health departments of such counties shall be funded at the same time as other county agencies are funded.

H. 1882. To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

H. 1896. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all such counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

H. 1909. Amending Act No. 791, H. 979, 1971 third Special Session of the Legislature (Acts 1971, Vol. II, p. 1525) to increase the compensation for the secretary to the district attorney of the twenty-fourth judicial circuit, and to provide for proportional payment by the counties constituting said circuit.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Mr. Hines:

H. 1919. Relating to counties having a population of not less than 34,875 nor more than 36,000 inhabitants according to the most recent federal decennial census, providing that all establishments serving alcoholic beverages shall stop serving such beverages not later than 2:00 A.M. each night, and providing misdemeanor punishment for violations of such Act.

Local Legislation No. 1.

By Mr. Williams (With Notice and Proof):

H. 1920. To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1920.

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF DALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

SYNOPSIS

This bill proposes to add additional territory to the corporate limits of the Town of Midland City, Alabama, in Dale County.

A BILL TO BE ENTITLED AN ACT

To alter or rearrange the boundary lines of the Town of Midland City, Dale County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Be It Enacted by the Legislature of Alabama:

SECTION 1. That the boundary lines of the Town of Midland City, Dale County, Alabama, be and the same are altered or rearranged so as to include within the corporate limits of said town, all territory now within such corporate limits, and also other territory within Dale County, Alabama, described as follows:

All that portion Northeast of the Right of Way of U. S. Highway 231, Section 14, T4N, R25E, not presently in the corporate limits, being 80 acres more or less; all that portion Northeast of U. S. Highway 231, Section 15, T4N, R25E, not presently in the city limits of Pinckard, Alabama, being 80 acres more or less; all that portion of the East $\frac{1}{2}$ of Section 10, T4N, R25E, not presently in the city limits of Pinckard, Alabama, being 320 acres more or less; all that portion of the East $\frac{1}{4}$ of the West $\frac{1}{2}$, Section 10, T4N, R25E, not presently in the city limits of Pinckard, Alabama, being 160 acres more or less; all that portion of the East $\frac{1}{2}$ of Section 3, T4N, R25E, being 320 acres more or less; all that portion of the East $\frac{1}{4}$ of the West $\frac{1}{2}$, Section 3, T4N, R25E, being 160 acres more or less; all of Section 2, T4N, R25E, being 640 acres more or less; all of Section 1, T4N, R25E, being 640 acres more or less; all that portion of Section 12, T4N, R25E, not presently in the corporate limits, being 635 acres more or less; all that portion of Section 11, T4N, R25E, Dale County, Alabama, being 635 acres more or less.

SECTION 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Joseph H. Adams, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Southern Star, a newspaper of general circulation published in Dale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 27, September 3, 10, and 17, all in the year 1975.

JOSEPH H. ADAMS.

Sworn to and subscribed before me 18 September, 1975.

IRENE MATHIS,
Notary Public.

By Mr. Killian (With Notice and Proof):

H. 1921. An Act relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Local Legislation No. 1.

Notice and Proof H. 1921:

Notice is hereby given that the following proposed Act extending the city limits of the City of Fort Payne, Alabama, will be introduced in the 1975 Regular Session of the Legislature of the State of Alabama.

A BILL
TO BE ENTITLED
AN ACT

An act relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the municipality of Fort Payne in DeKalb County are hereby altered, re-arranged and extended to include within the corporate limits of the City of Fort Payne the following described territory, in addition to that already within the corporate limits, to wit:

Beginning at point on the easterly boundary line of the Corporate Limits of the City of Fort Payne, Alabama, described as the one-half mile corner on the east line of Section 23, Township 6 South, Range 9 East of the Huntsville Meridian in DeKalb County, Alabama, run in a southwesterly direction across the SE $\frac{1}{4}$ of said Section 23 and then NE $\frac{1}{4}$ of Section 26 in Township 6 South, Range 9 East to the northeast corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of said Section 26; thence run in a southerly direction to the one-half mile corner on the south line of said Section 26; thence continue in a southerly direction to the one-half mile corner on the south line of said Section 26; thence continue in a southerly direction to the one-half mile corner on the south line of Section 35 in Township 6 South, Range 9 East; thence run in a southerly direction to the one-half mile corner on the south line of Section 2, Township 7 South, Range 9 East; thence continue in a southerly direction to the one-half mile corner on the south line of Section 11, Township 7 South, Range 9 East; thence run in a southwesterly direction across the W $\frac{1}{2}$ of Section 14, the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ and the W $\frac{1}{2}$ of Section 22, the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 21 and the NE $\frac{1}{4}$ and W $\frac{1}{2}$ of Section 28, all in Township 7 South, Range 9 East to the southwest corner of said Section 28; thence run in a westerly direction along the south boundary of Section 29, Township 7 South, Range 9 East to the southwest corner thereof and the southeast corner of the Corporate limits of the City of Fort Payne; thence run in a northeasterly and northerly direction with the Corporate limits of the City of Fort Payne to the point of beginning.

Said area all lying in DeKalb County, Alabama.

Section 2. This act shall become effective immediately upon the passage and approval by the Governor or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF DeKALB

Personally appeared before the undersigned, a Notary Public, within and for said County and State, Jerry E. Whittle, publisher of The Times-

REGULAR SESSION
31st Day

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Journal, a newspaper published at Fort Payne, County of DeKalb, State of Alabama, who being duly sworn, states on oath that the notice, a true copy of which is hereto annexed, was published in said newspaper in its issues of June 26, July 3, 10, 17, 1975.

J. WHITTLE,
Publisher.

Sworn to and subscribed before me this 18th day of July, 1975.

MARY RUTH BROWN,
Notary Public.

My commission expires January 17, 1977.

By Mr. Morris (With Notice and Proof):

H. 1922. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Local Legislation No. 1.

Notice and Proof H. 1922.

STATE OF ALABAMA
COUNTY OF TALLAPOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Alexander City, in Tallapoosa County.

Be It Enacted By The Legislature Of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Alexander City in Tallapoosa County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

All of the NE $\frac{1}{4}$ of Section 22 lying West of the Convict Camp Road and all of the SE $\frac{1}{4}$ of Section 15 and the South $\frac{1}{4}$ of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 15. All being in T 23N R 21 E of Tallapoosa County, Alabama.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, Tony D. Manuel, Publisher of the Alexander City Outlook, published bi-weekly at Alexander City, Ala., do solemnly swear that a copy of the notice, as per clipping attached, was published four times in the regular and entire issue of said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated August 13, 1975, and ending with the issue dated September 3, 1975.

TONY D. MANUEL.

Subscribed and sworn before me this 4th day of September, 1975.

VONCILLE M. DEAN,
Notary Public.

My commission expires January 18, 1979.

By Mr. Merrill:

H. 1923. To make a conditional supplemental appropriation to the Alabama Historical Commission for the purpose of preserving historic landmarks to attract more tourists to Alabama thereby placing craftsmen in the hard-hit building trades back into the employment field; to curtail undesirable waste of Alabama's natural resources by recycling, restoring, rehabilitating and renovating historic landmarks and provide visual learning centers for the youth of Alabama.

Ways and Means.

By Mr. Smith (J):

H. 1924 Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Local Legislation No. 1.

By Messrs. Owens and McMillan:

H. 1925. Creating a commission to be known as the Cahaba River Commission, which shall study and make recommendations on the environmental impact of activities which affect the river.

State Administration.

By Mr. Carter:

H. 1926. Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

Local Legislation No. 1.

By Messrs. Kelley and Mitchem (With Notice and Proof):

H. 1927. Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

Local Legislation No. 1.

Notice and Proof H. 1927:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County. To provide for the employment and sal-

ary of a communications and information specialist in the sheriff's department of Marshall County.

Be It Enacted By The Legislature Of Alabama:

Section 1. In Marshall County, the sheriff of Marshall County shall be authorized to employ, in addition to all other employees and officials heretofore authorized, a communications and information specialist, said specialist shall manage the sheriff department's participation in the program of the National Communications Information Center, and perform other duties as assigned by the Sheriff of Marshall County.

Section 2. The employee herein provided shall be paid an annual salary not to exceed \$9,000, said compensation to be paid from any Fund of Marshall County and disbursed in twelve (12) monthly installments.

Section 3. All laws, or parts of laws, which conflict with this act are hereby repealed.

Section 4. This act shall become effective November 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Covington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 4, Sept. 11, and Sept. 18, all in the year 1975.

PAT M. COVINGTON.

Sworn to and subscribed before me September 18, 1975.

PATRICIA DIANN SMITH,
Notary Public.

By Messrs. Kelley and Mitchem:

H. 1928. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

Local Legislation No. 1.

By Mr. Morris:

H. 1929. To authorize the director of finance to sell directly to any rescue squad operated under the nonprofit corporation laws of this state any boat or outboard motor which is declared surplus by the department of conservation and natural resources, without regard to the public bid laws of this state.

State Administration.

By Messrs. Falkenburg, Biddle, Jolly, Trammell, Porter, Howard, Waggoner, Armstrong, Hall, Callahan, Carothers and McNeese:

H. 1930. To authorize and direct the Board of Nursing created under Act No. 867, S. 210, Regular Session 1965 (Acts of Alabama 1965, p. 1615), to promote continuing education for nurses and to make appro-

priations to qualified individuals, institutions or agencies for the sole purpose of developing and conducting continuing education programs, seminars and or workshops for nurses.

Ways and Means.

By Messrs. White, Biddle and Hines:

H. 1931. To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Health.

By Mr. White:

H. 1932. Proposing an amendment to the Constitution of Alabama of 1901 to prohibit the creation of any supernumerary public official positions within the State of Alabama or any political subdivisions thereof.

Constitution and Elections.

The above bill was read a first time at length as required by the Constitution.

By Messrs. Mitchem, Brindley and Kelley (With Notice and Proof):

H. 1933. Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

Local Legislation No. 1.

Notice and Proof H. 1933:

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

Be It Enacted By The Legislature Of Alabama:

Section 1. The governing body of Marshall County shall increase the allowances for the purpose of hiring clerks for the offices of the judge of probate, the tax assessor, and the tax collector, as follows:

- (a) Office of the judge of probate \$3,000 annually;
- (b) Office of the tax assessor \$5,000; and
- (c) Office of the tax collector \$5,000.

These allowances shall be in addition to all other allowances and the payments therefor are authorized from any available public funds of the county.

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Section 2. The compensation for the bailiffs of Marshall County shall be increased by \$5.00 per day, such additional compensation to be paid out of the county general fund.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act is cumulative and shall take effect October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Covington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 21, Aug. 28, Sept. 4, and Sept. 11, all in the year 1975.

PAT M. COVINGTON.

Sworn to and subscribed before me September 18, 1975.

PATRICIA DIANN SMITH,
Notary Public.

By Mr. Smith (M):

H. 1934. To provide for the election of members of the county commission in all counties having a population between 17,000 and 20,000 inhabitants according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Smith (M):

H. 1935. To amend the title and Sections 1 and 4 of Act No. 29, H. 44, 1970 Extraordinary Session (Acts 1969-1970, p. 2631—now appearing in Code of Alabama 1940, Title 50, Sections 99 and 102), which Act provides for the incorporation of Districts, as public corporations, for the purpose of furnishing water service, sanitary sewer service, and fire protection service so as to bring the incorporation of certain solid wastes disposal districts within the purview of said Act and to repeal all conflicting statutes.

State Administration.

By Messrs. Coburn and Goodwin:

H. 1936. To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

Local Legislation No. 1.

By Mr. Smith (J):

H. 1937. To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other

Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Local Legislation No. 1.

By Mr. Smith (J):

H. 1938. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

Local Legislation No. 1.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1939. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1939:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Be It Enacted By The Legislature of Alabama:

Section 1. That the boundary lines of the Town of Good Hope, Cullman County, Alabama, be and the same are hereby altered, or rearranged so as to include all of the territory encompassed by the corporate limits of the Town of Good Hope, Alabama, in addition thereto the following described territory, to-wit:

TRACT I:

The Southwest Quarter of the Northeast Quarter of Section 32, Township 10 South, Range 3 West.

TRACT II:

The Southeast Quarter of the Northwest Quarter of Section 5, Township 11 South, Range 3 West. Also, the Southwest Quarter of the Southwest Quarter of Section 5, Township 11 South, Range 3, W.

TRACT III:

All that portion of the Southeast Quarter of the Southeast Quarter of Section 28, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

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Also: All that portion of the Southwest Quarter of the Southeast Quarter of Section 28, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

TRACT IV:

The Southeast Quarter of the Southwest Quarter of Section 28, Township 10 South, Range 3 West.

TRACT V:

All that portion of the West half of the Northeast Quarter of Section 33, Township 10 South, Range 3 West, lying and being west of Alabama Highway No. 69.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
CULLMAN COUNTY

Before me, Charlotte Miller, a Notary Public, in and for said County and State, personally appeared Marc Miller, publisher of The Cullman Tribune, a weekly newspaper published in Cullman, Cullman County, Alabama and being duly sworn, says that the notice of which the attached is a true copy, was published in said newspaper once a week, for 4 successive weeks and being in the issues of said newspaper of the following dates, viz: Nov. 1, 8, 15 and 22, 1973.

MARC MILLER,
Publisher.

Sworn to and subscribed before me this, the 17th day of January, 1974.

CHARLOTTE MILLER,
Notary Public.

By Messrs. Robertson and Clark (With Notice and Proof):

H. 1940. Relating to the election of members of the Pickens County Board of Education and repealing conflicting laws.

Local Legislation No. 1.

Notice and Proof H. 1940:

STATE OF ALABAMA
COUNTY OF PICKENS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the election of the members of the Pickens County Board of Education and repealing conflicting laws.

Section 1. Commencing with and at the time of the next general election following the passage of this Act by the Legislature of Alabama, upon its becoming part of the laws of Alabama, the member or members whose places on the Pickens County Board of Education are open for qualification, nomination and election thereto shall be filled according to the provisions and condition of the next subsequent Sections Two, Three and Four.

Section 2. The Pickens County Board of Education shall consist of five members who shall be designated by places as Place Number One, Two, Three, Four and Five. The Pickens County Board of Education may by its appropriate resolution designate one of its members as Chairman who shall serve for one year unless re-designated as Chairman for an additional year or years and each member of the Board shall be eligible for appointment for Chairmanship. Further, the Board may, if it determines educationally advantageous, designate one of its members as having prime responsibility for each of the Board's four school attendance areas. However, nothing in this Act shall be construed so as to require the Board to make such designations. This Act shall not affect the tenure and office of the incumbent members of the Board who shall hold office for the full term to which they were elected except as hereinafter provided.

Section 3. A person who shall be a resident and a qualified voter of Pickens County, Alabama, and having completed a high school education, or the equivalent thereof and as qualified by § 63 of Title 52 of Alabama Statutes shall be elected for each place, including Chairman, of said Board of Education, and such person shall be elected by the qualified electors of Pickens County, Alabama.

Section 4. The members of the Board to serve in Place Number One and Place Number Four shall be elected first under this Act at the general election in November of 1976 and the member to serve in Place Number two shall be elected first at the general election in 1978 and the member to serve in Place Number Three and Place Number Five of the Board shall be elected first under this Act at the general election in November of 1980.

Section 5. Act 141, S. 329, Regular Session 1949 (Acts 1949, p. 167) and Act 41 S. 48 (Special Session 1966) which may be in conflict with this Act are hereby expressly repealed.

Section 6. There shall continue to be, by the provisions and conditions of this Act, five (5) members of said Board of Education who are elected, as herein provided; appointed, as otherwise provided by law in Title 52, Section 64, Code of Alabama 1940; or presently serving as members of said Board. This act shall not affect the tenure or office of the present members of said Board, but said members shall hold office for the full time for which they were qualified or elected, nor shall it affect the tenure in office of their successors who may be appointed in cases of the resignation, death or removal from office, but such appointees shall fill out the full term for which their predecessors were elected.

Section 7. The election of members of the Pickens County Board of Education and terms of office, rights, powers, duties and compensation for said members of the said Board are such as are not or may hereafter be provided by the general laws of Alabama, Code of 1940, Title 52.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

STATE OF ALABAMA PICKENS COUNTY

Before me, E. V. Junkin, a Notary Public in and for said County, personally appeared Daisy J. Junkin, Publisher of The Pickens County Herald & West Alabamian, a newspaper published in said County, who,

being by me first duly sworn, states that the attached notice has been regularly published once a week for 4 consecutive weeks in said paper in issues dated as follows: Aug. 21, 28, Sept. 4, 11, 1975.

DAISY J. JUNKIN

Subscribed and sworn to before me, this the 12th day of September, 1975.

EUTEAL V. JUNKIN,
Notary Public.

By Mr. Shelton:

H. 1941. To provide that all Legislators of the State of Alabama who have served three (3) or more terms upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any legislator physically or mentally disabled while in office shall be entitled to receive his full salary while so disabled; all to be paid out of the General Fund of the State Treasury.

Ways and Means.

Messrs. Moore (O), Waggoner and Smith (C) (With Notice and Proof):

H. 1942. To prohibit the spraying or dusting of any poisonous substance or chemical that is injurious to the health or wellbeing of wildlife or aquatic life over, upon, onto or in any forest or timberland in Shelby County; to provide penalties for the violation of the provisions of this Act.

Local Legislation No. 1

Notice and Proof H. 1942:

LEGAL NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the following:

A BILL TO BE ENTITLED AN ACT

To prohibit the spraying or dusting of any poisonous substance or chemical that is injurious to the health or wellbeing of wildlife or aquatic life over, upon, onto or in any forest or timberland in Shelby County; to provide penalties for the violation of the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. It shall be unlawful for any person to spray or dust any poisonous substance or chemical that is injurious to wildlife or aquatic life over, upon, onto or in any forest or timberland in Shelby County by the use of aircraft or otherwise. Nothing herein shall be construed to prevent the spraying or dusting of rivers, lakes, or streams with pesticides for the control of insects, weeds, or other undesirable vegetation pursuant to state or federal regulations or requirements; or to prevent the spraying or dusting of crops or cleared or cutover land areas adjacent to forest or timberlands with pesticides for the control of insects, weeds, or other undesirable vegetation.

Section 2. Any person who violates any provision of this Act shall be deemed guilty of a misdemeanor and upon conviction may be punished by a fine not to exceed one thousand dollars and/or by imprisonment in the county jail not to exceed six months.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become affective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
SHELBY COUNTY

Personally appeared before me, Judge of Probate, in and for said county, Mildred White Wallace, who being duly sworn according to law deposes and says that she is the Associate Editor of the Shelby County Reporter, a newspaper published in said county, and that publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper 4 weeks consecutively, towit in issues thereof dated as follows: July 10, 17, 24, 31, 1975.

MILDRED WALLACE,
Associate Editor.

Subscribed and sworn before me this 1st day of August, 1975.

CONRAD M. FOWLER,
Judge of Probate.

By Messrs. McMillan and Kinsey:

H. 1943. To provide an expense allowance to the official court reporters, for the twenty-eighth judicial circuit of Alabama payable by the county within said circuit; and to provide a termination date for the effectiveness of this Act.

Local Legislation No. 1.

By Messrs. Hill and Greer:

H. 1944. To amend Act No. 1620, H. 2009 of the Regular Session of 1971 (Acts 1971, p. 2779), which is entitled "An Act To provide for a clerk-hire allowance for a secretary for any judge of a county court operating within the Eleventh Judicial Circuit," so as to increase the clerk-hire allowance.

Local Legislation No. 1.

By Mr. Killian:

H. 1945. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Local Legislation No. 1.

By Messrs. Baker, Whatley and Higginbotham:

H. 1946. To name the state grain elevator at Phenix City, Alabama, the W. O. "Bill" Patterson Grain Elevator.

State Administration.

By Mr. McCulley (With Notice and Proof):

H. 1947. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Local Legislation No. 3.

Notice and Proof H. 1947:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Boundary lines and corporate limits of the municipality of Citronelle in Mobile County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

Property to be annexed to the City of Citronelle, Alabama:

Beginning at the Northwest corner of Section 16, T-2-N, R-3-W Mobile County, Alabama; thence eastwardly along the North line of Sections 16, 15, 14, and 13, T-2-N, R-3-W, and Sections 18, 17, and 16, T-2-N, R-2-W to a point; said point being the Northeast corner of Section 16, T-2-N, R-2-W; Thence Southwardly along the East line of Sections 16, 21, 28, and 33, T-2-N, R-2-W, and Sections 4, 9, and 16 T-1-N, R-2-W to a point, said point being the Southeast corner of Section 16, T-1-N, R-2-W; thence Westwardly along the South line of Sections 16, 17 and 18 T-1-N, R-2-W and Sections 13, 14, and 15 T-1-N, R-3-W to a point, said point being the Southwest corner of Section 15, T-1-N, R-3-W; thence Northwardly along the West line of Section 15, T-1-N, R-3-W to a point, said point being the Northwest corner of Section 15, T-1-N, R-3-W; thence Westwardly along the South line of Sections 9, 8 and 7, T-1-N, R-3-W to a point, said point being the Southwest corner of Section 7, T-1-N, R-3-W; thence Northwardly along the West line of said Section to a point; said point being the Northwest corner of said Section 7; thence Eastwardly along the North line of said Section 7, to a point; said point being the Northeast corner of said Section 7, and the Southwest corner of Section 5, T-1-N, R-3-W; thence Northwardly along the West line of said Section 5 to a point, said point being the Northwest corner of said Section 5; thence Eastwardly along the North line of said Section 5, to a point, said point being the Northeast corner of said Section 5 and the Southwest corner of Section 32, T-2-N, R-3-W; thence Northwardly along the West line of Sections 33, 28, 21 and 16, T-2-N, R-3-W to the point of beginning, all being located in Mobile County, Alabama. Excepting therefrom the present city limits of the City of Citronelle, Alabama and the property of Georgia Pacific Mill located in Section 25, T-2-N, R-3-W Mobile County, Alabama, said exception being more particularly described as follows:

City of Citronelle, Alabama:

The South one-half of Section 25, T-2-N, R-3-W. The East one-half of Southeast quarter of Section 26, T-2-N, R-3-W. The East one-half of the East one-half of Section 35, T-2-N, R-3-W. All of Section 36, T-2-N, R-3-W. The Northeast one quarter of the Northeast one quarter of Section 2, T-1-N, R-3-W. The North one-half of Northwest one quarter of Section 1, T-1-N, R-3-W. The East one-half of Section 1, T-1-N, R-3-W. The East one-half of Southwest quarter of Section 1, T-1-N, R-3-W. The Southeast one quarter of the Northwest one quarter of Section 1, T-1-N, R-3-W. The West one-half of Section 31, T-2-N, R-2-W. The West one-half of Section 6, T-1-N, R-2-W.

Georgia Pacific Mill:

Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 25, T-2-N, R-3-W, Mobile County, Ala-

bama; thence S 89° 43' 00" E a distance of 459.85 feet to a point on the East right of way of the I. C. G. Railroad, for the point of beginning of the property herein described; thence continue S 89° 43' 00" E a distance of 168.0 feet to a point; thence S 01° 01' W a distance of 858.92 feet to a point; thence East a distance of 1122.85 feet to a point on the West right of way of Odom Road; thence Southwesterly along the arc of a curve to the left with a radius of 13525 feet, a distance of 484.45 feet to the P. T. thereof; thence S 02° 15' 30" a distance of 801.87 feet to the P. C. of a curve to the left with a radius of 1905.20 feet; thence Southeasterly along the arc of said curve a distance of 517.73 feet to a point on the South line of the Northeast quarter of said Section 25; thence West a distance of 439.0 feet to the East right of way of the I. C. G. Railroad; thence N 32° 57' W along said East right of way a distance of 1068.34 feet to the P. T. of a curve to the right; thence Northwesterly along said East right of way a distance of 1868 feet, plus or minus, to the point of beginning. Containing 43.76 acres.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 8, 15, 22, 29.

JOYCE BUTT.

Sworn to and subscribed before me this 18 day of Sept. 1975.

GARY L. RICHARDSON,
Notary Public.

By Messrs. Barron, Holmes and Lewis:

H. 1948. Relating to all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census; to prohibit the county governing body from paying any county employee to move, set up or establish voting machines at any voting place or precinct within the county.

Local Legislation No. 4.

By Mr. Reed:

H. 1949. To provide an additional expense allowance for the chairman and members of the county commission of all counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. Reed:

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for a salary increase for the chief deputy sheriff and the deputy sheriff of any such county; to provide an additional expense allowance for the sheriff; and providing two additional jailors for such county and their compensation.

Local Legislation No. 1.

By Mr. Reed:

H. 1951. Relating to the office of the sheriff in all counties having populations of not less than 11,500 nor more than 12,500 inhabitants, according to the most recent federal decennial census; to provide for an additional jailer and fix his salary.

Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 15. To provide that all former Governors of the State of Alabama upon reaching age sixty (60) shall be entitled to monthly retirement pay; that any former governor physically or mentally disabled while in office shall be entitled to receive his full salary after leaving office; all to be paid out of the General Fund of the State Treasury; repealing Act No. 304, H. 345, 1967 Regular Session (1967 Acts, p. 847; now appearing in Code of Alabama Recompiled 1958, Title 55, Section 172(2)) and other conflicting provisions of law.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of

coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment.

By Mr. Shelby:

S. 1022. Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the board of registrars of Tuscaloosa County shall be entitled to compensation from the county in the amount of \$20.00 per day for each days attendance upon the session of the board. Such compensation shall be paid out of the county general fund and shall be in addition to any compensation of registrars payable under state general law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was

published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12 and June 19.C., all in the year 1975.

KARL ELEBASH

Sworn to and subscribed before me ———, 19——.

LA JUNE BURNETT,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1022 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 1170. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Also:

By Mr. Mims:

S. 1115. To authorize establishment of branch banks in Monroe County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONROE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize establishment of branch banks in Monroe County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, either incorporated or unincorporated, whose principal place of business is located in Monroe County shall have the power to establish, to maintain, and to operate within the limits or boundaries of such county one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking business, provided that such bank, before establishment of any such branch or branches, shall first secure the written consent of the State Superintendent of Banks or the Comptroller of the Currency, as the case may require.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MONROE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Stewart, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Monroe Journal, a newspaper of general circulation published in Monroe County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, Aug. 7, Aug. 14 and Aug. 21, all in the year 1975.

BILL STEWART.

Sworn to and subscribed before me Aug. 21, 1975.

FRANCES REID NETTLES,
Notary Public.

Also:

By Mr. Shelby:

S. 741. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio

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judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said Supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as ex-officio judge. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$12,000 nor more than \$18,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants, to the

ex-officio judges shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12 and June 19.C., all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me ———, 19 ———.

LA JUNE BURNETT,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1170 Local Legislation No. 1.
- S. 1115 Local Legislation No. 1.
- S. 741 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Fine:

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Also:

By Mr. Owen:

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the governing body of Baldwin County; amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county, so as to provide further for the rearrangement and redivision of the commissioners' district.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county is hereby amended to read as follows:

"Section 1. The governing body of Baldwin County shall be a commission of four members and shall be known as the Baldwin County Commission. It shall be a court of record. The members of such commission shall be designated commissioners. Baldwin County is hereby divided into four commissioners, districts to be numbered 1, 2, 3, and 4, as follows:

"District No. 1 shall embrace all that part of Baldwin County, Alabama, lying North of the following described line: Begin at the point where the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, touches the West edge of Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said township line to the Northeast corner of Section 1, Township 4 South, Range 3 East; run South one mile; run West a little more than four miles to the point where said line intersects Fish River in Section 5, Township 4 South, Range 3 East; run Northerly along said river to the point where the same runs under Alabama Highway 59; run

Northerly along said river to the point where the same runs under Alabama Highway 59; run North along the East edge of said highway to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where Highway 31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the same flows into Bay Minette; follow the meanders of Bay Minette on the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of the Mobile County line which is the point of ending; said line at this point is on the Mobile River.

"District No. 2 shall embrace that area of Baldwin County lying South and West of the following described line: Begin at Fish River point, said point being on the Westerly edge of Weeks Bay and at the mouth thereof; follow the West edge of Weeks Bay in a Northerly direction to the point where Fish River flows into the same; thence Northerly along the West edge of Fish River to that point where said river flows under Highway 59; run North along the East edge of said highway to the point where this road intersects Highway 31; run Southerly along Highway 31 to the point where Highway 31 intersects the Stapleton-Bromley dirt road; run Westerly following the meanders of said dirt road to that point where Bay Minette Creek flows under said road; run Southerly with the meanders of Bay Minette Creek to the point where the Northerly edge thereof to the point where the same flows into Blakely River; run Northerly along the Easterly edge of Blakely River to the point where the L & N Railroad crosses said river, at that point this river is called Tensaw River; run Westerly along the L & N Railroad to the East edge of Mobile County line, which is the point of ending; said line, at this point, is on the Mobile River.

"District No. 3 shall embrace all that part of Baldwin County, Alabama, encompassed by the following line: Begin at the point on the township line dividing Townships 3 South and 4 South, Baldwin County, Alabama, where the same intersects Perdido River, which is the line dividing Baldwin County, Alabama, and Escambia County, Florida; run West along said line to the Northeast corner of Section 1, Township 4 South, Range 3 East, run South one mile; West a little more than four miles to the point where this line intersects the East edge of Fish River; run Southerly following the meanders of Fish River to that point where said river intersects the South edge of Section 6, Township 7 South, Range 3 East; run East along Baldwin County Highway 28 to the point where the same intersects Highway 59; run in a Southeasterly direction along Highway 59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North 1½ miles to Baldwin County Highway 32 which is located at this point on the line dividing Townships 6 South and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of said creek to the point where the same flows into Blackwater River; follow the meanders of Blackwater River to that point where the same flows into Perdido River, which is located on the Alabama-Florida State Line; run up Perdido River along the Alabama-Florida State Line to the point of beginning.

"District No. 4 shall embrace that part of Baldwin County lying South and East of the following described line: Begin at Fish River Point which is at the mouth of and on the Westerly edge of Weeks Bay;

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follow the meanders of Weeks Bay; follow the meanders of Weeks Bay in a Northerly direction to that point where Fish River flows into the same; run Northerly along the West bank of Fish River to the point where the same intersects the South line of Section 6, Township 7 South, Range 3 East; run East along Baldwin County Highway 28 to the point where the same intersects Highway 59; run in a Southeasterly direction along Highway 59 to the point where the same intersects the Mack Roberts Road; said road bi-sects Section 9, Township 7 South, Range 4 East; run East one mile; thence North $1\frac{1}{2}$ miles to Baldwin County Highway 32 which is located at this point on the line dividing Townships 6 South and 7 South; run East along said road and township line a little more than six miles to the point where said line intersects Three Mile Creek; run Northeasterly following the meanders of Three Mile Creek to the point where the same flows into Blackwater River, follow the meanders of Blackwater River to that point where the same flows into Perdido River which is located on the Alabama-Florida State Line.

"One member of this commission shall reside in each of the districts; provided that temporary residence at the county seat or in any part of the county during his term of office for convenience in the discharging of his duties as a member of the commission shall not disqualify of his duties as a member of the commission shall not disqualify a commissioner from holding his office and shall not be construed to change his place of residence so as to disqualify him as a candidate for re-election. The commissioners shall be residents and qualified electors of Baldwin County.

"The commissioners who were elected in 1972 from Districts One and Three, as such districts were described in Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100) shall serve out the terms for which they were elected as commissioners from Districts One and Three as such districts are herein described Successors to commissioners from Districts One and Three, as such districts are herein described, shall be elected in November, 1976, for terms of four years each and each fourth year thereafter. The commissioners from Districts Two and Four, as such districts are herein described, shall be elected in November, 1978, for terms of four years each and each fourth year thereafter. The terms of all commissioners shall commence on the first day of January next following their election and qualifying and shall terminate on the 31st day of December each fourth year thereafter. Upon commencing upon their duties, each of the said commissioners shall subscribe to the oath prescribed by the general law for members of county governing bodies."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
BALDWIN COUNTY

Steve Mitchell, being duly sworn, deposes and says that he is the Editor of The Baldwin Times, a weekly newspaper published at Bay Minette, Baldwin County, Alabama; that the notice hereto attached of was published in said newspaper for 4 consecutive weeks in the following issues: July 3, July 10, July 17, July 24, all in the year 1975.

STEVE MITCHELL,
Editor.

Subscribed and sworn before the undersigned this 5th day of August, 1975.

BARBARA DURANT,
Notary Public.

Also:

By Mr. Baker:

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DEKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) of DeKalb County shall be set by the County Commission at not more than \$15,000 nor less than \$10,000 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the Deputy District Attorney (County Solicitor) of DeKalb County shall be set by the DeKalb County Commission at not more than \$15,000 nor less than \$10,000 per year.

Section 2. The office of Deputy District Attorney shall be a full-time job, and no one holding that office shall do any work as an attorney or receive any fees for work done as an attorney outside the scope of his duties as Deputy District Attorney.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry E. Whittle, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7 and August 12, all in the year 1975.

J. WHITTLE.

Sworn to and subscribed before me August 12, 1975.

MARY RUTH BROWN,
Notary Public.

Also:

By Messrs. Little and Torbert:

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this act and for future election of members to the county board of education of Chambers County, said county is hereby divided into two districts, to be numbered one and two. District 1 shall be composed of Beats 7 and 13 less the city of Lanett.

District 1 shall have three (3) places on the board of education. The three places shall be designated as Place 1, Place 2, and Place 3 and a member shall be elected to each place. District 2 shall be the remainder of the county. It shall have two (2) places on the board of education which shall be designated Place 4 and Place 5 and a member shall be elected to each place.

Section 2. After this act takes effect, a member of the board of education of Chambers County shall be nominated and elected for each of the places of the two school districts of the county, by the qualified electors of the county at large, at the next regular election held in the county. At said general election members shall be elected as follows: A member for Place 1, District 1 and a member for Place 4, District 2 shall be elected for a term of two years; a member for Place 2, District 1 and a member for Place 5, District 2 shall be elected for a term of four years; and a member for Place 3, District 1 shall be elected for a six year term. Upon the expiration of the terms of office of members elected in said general election as provided by this section, the term of their successors shall be six years as provided by the laws of this state for school board members.

Section 3. Members of the school board elected under the provisions of Section 2 of this act shall take office at the first meeting of the Chambers County Board of Education following their election.

Section 4. Members of the school board who are presently serving shall remain in office until their successors are elected and qualified as provided in Section 2 of this act.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 8, July 15, July 22 and July 29, all in the year 1975.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me August 15, 1975.

BETTY V. SORRELL,
Notary Public.

My commission expires July 5, 1976.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1066 Local Legislation No. 1.
- S. 1042 Local Legislation No. 1.
- S. 1048 Local Legislation No. 1.
- S. 1077 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 532. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

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Also:

By Mr. Shelby:

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.

Also:

By Mr. St. John:

S. 603. To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Also:

By Mr. St. John:

S. 604. Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

Also:

By Mr. Shelby:

S. 628. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

Also:

By Mr. Shelby:

S. 630. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

By Mr. Shelby:

S. 633. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

Also:

By Mr. Owen:

S. 754. To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a

population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

Also:

By Mr. Shelby:

S. 631. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

By Mr. Shelby:

S. 742. To amend Section 1 of Act No. 178, H. 94, Special Session 1969 (Acts 1969, p. 244), which provides for the compensation of jurors in Tuscaloosa County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 178, H. 94, Special Session 1969 (Acts 1969, p. 244), which provides for the compensation of jurors in Tuscaloosa County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 178, H. 94, Special Session 1969 (Acts 1969, p. 244), is hereby amended to read as follows:

"Section 1. The per diem of jurors, grand and petit, in Tuscaloosa County, shall be twenty dollars (\$20), which sum shall be the entire compensation of each juror and in lieu of all other per diem, mileage, ferriage and toll heretofore authorized."

Section 2. This Act shall become effective immediately upon its passage and approved by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first

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duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 29, June 5, June 12 and June 19.C., all in the year 1975.

KARL ELEBASH

Sworn to and subscribed before me ———, 19 ———.

LA JUNE BURNETT,
Notary Public.

Also:

By Mr. Noonan:

S. 571. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section VIII of Act No. 470, H. 952 of the Regular Session of 1939 (Local Acts 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County, Alabama, is hereby amended to read as follows:

Section VIII. The board shall elect and fix the salary of the Director who shall hold office at the will of the Board. The Board shall prescribe such qualifications as to residence, education, and experience as may be necessary in its opinion to fill the position of Director. His salary shall be fixed by the Personnel Board provided such salary shall not exceed the sum of Twenty Thousand Dollars (\$20,000.00) per annum. The Director's salary shall be payable monthly and as provided in Section 30 hereof. The Director, as executive head of the Department, shall direct and supervise all its administrative and technical activities. It shall be his duty to: (1) Attend all meetings of the Board and provide for recording its official actions, but he shall not have a vote. (2) Appoint from the Employment Register such employees of the Department, and such experts and special assistants as may be necessary to carry out effectively the provisions of this Act; (3) Prepare and recommend rules and regulations for the administration of this Act. (4) Recommend, and on its adoption, establish, administer and execute a Classification Plan

for the Classified Service. (5) Submit to the Board a pay plan for all positions in the classified service. (6) Conduct tests, formulate employment registers, and certify persons qualified for appointment; devise and administer employee service ratings. (7) Examine all payrolls or other compensation for personal services within the classified service with authority to disapprove, from time to time, any item or items thereof, and no such item so disapproved in writing by him shall be paid or authorized for payment. (8) Establish and maintain a roster of all of the officers and employees in the classified service. (9) Make such reasonable investigations pertaining to personnel, salary scales, and employment conditions in the classified service as may be requested by the Board, the Supervisory Committee, or by the governing bodies of the county or any city therein. (10) Make investigations concerning the administration and effect of this Act and the rules made thereunder and report his findings and recommendations to the Board. (11) Make an annual report to the Board. (12) Perform any other act or acts required of him under this Act or required of him by the Board which may be necessary or proper to carry into effect its purposes and spirit. The Director may join or subscribe to any association or service of publication having as its purpose the interchange or dissemination of information relating to the improvement of personnel administration. When any person serving as Director has attained age 60, and has served for 20 years or more as such Director, or has served for 20 years or more as such Director and as an officer or employee of any governmental body or agency serviced by the Personnel Department provided for in this Act, may upon his election be retired by the Board, with a retirement allowance equal to but not exceeding fifty percent of the amount of the monthly salary paid him for the high three out of the five years immediately preceding retirement. In computing such retirement allowance any monthly payment received from any employees' pension or retirement plan organized under the laws of the State of Alabama shall first be deducted from the retirement allowance, and the balance shall be payable monthly in the same manner and from the same funds as the salaries and other expenses of the Personnel Department are paid. The minimum age for retirement of any person serving as Director shall be sixty (60) years; provided, that it shall be mandatory for any person serving as Director to retire at 70 years of age; provided further, that any person serving as Director who has attained age 50, who has otherwise qualified for retirement, may be retired by the Board if he becomes physically disabled and incapable of performing his duties.

Section 2. This Act becomes effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt, being sworn, says that she is bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Press Dec. 10, 17, 24, 31, 1974.

JOYCE BUTT.

Sworn to and subscribed before me this 12th day of May, 1975.

GARY L. RICHARDSON,
Notary Public.

Also:

By Messrs. Torbert and Little:

S. 624. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

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With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Chambers County is hereby authorized and empowered to appropriate the sum of \$545.21 from any of the funds in the county treasury available for such purposes to Wilma M. Atkinson because of property damage sustained by her on October 8, 1973, when a county vehicle operated by county employees struck her automobile. This is a moral and equitable claim which the county is honor bound to pay and for which she has no legal right of action or legal recourse for recovery.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, Betty V. Sorrell, a Notary Public in and for said County and State, personally appeared Mark T. Walls, who, being by me legally sworn, deposes and says: I am the publisher of The Valley Times-News, a newspaper published five days a week, in Lanett, Chambers County, Alabama; the foregoing notice—Bill pertaining to Wilma M. Atkinson, was published in said newspaper once a week for 4 consecutive weeks, beginning with the issue of March 21, 1975, and appearing in the issues of said newspaper of dates April 1, 4, April 11.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me this 9th day of May, 1975.

BETTY V. SORRELL,
Notary Public.

Also:

By Mr. Little:

S. 664. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Be It Enacted by the Legislature of Alabama:

Section 1. The tax assessor and tax collector of Randolph County shall each be entitled to hire a stenographic secretary. The salaries of said stenographic secretaries shall be set by the county governing body and shall be payable in equal monthly installments from any funds available in the county treasury.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, Owen N. Shelnutt, a notary public in and for said state and county, appeared John B. Stevenson, publisher of The Roanoke Leader, a newspaper published in Roanoke, Randolph County, Alabama, who, being duly sworn, deposes and says that a notice advertising a bill to be Entitled An Act, providing for a stenographic secretary for the tax assessor and the tax collector, Randolph County, Alabama, appeared in said paper in the issues of May 14, 21, 28, and June 4, 1975, and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this, the 12th day of June, 1975.

OWEN N. SHELNUTT,
Notary Public.

Also:

By Mr. Adams:

S. 679. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) is hereby amended to read as follows:

"Section 1. The clerk of the circuit court shall be entitled to receive an expense allowance of three hundred dollars (\$300) per month and the register of the circuit shall be entitled to receive an expense allowance of two hundred dollars (\$200) per month. Said allowances shall be in

addition to any and all other compensation and expenses provided for by law. Such expense allowances shall be payable in equal monthly installments out of the general fund of Houston County and shall expire and no longer be paid upon the expiration of the term of the incumbent in each of said offices."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Dolson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 4, 13, 20 and 27, all in the year 1975.

D. H. DOLSON.

Sworn to and subscribed before me June 3, 1975.

SARAH C. BOYDE,
Notary Public.

Also:

By Mr. Adams:

S. 680. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Be It Enacted By The Legislature Of Alabama:

Section 1. Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939), is hereby amended to read as follows:

"Section 1. The following officers of Houston County, Alabama, each shall be entitled to an annual salary as follows:

"(a) For Clerk Circuit Court, an annual salary of Fifteen Thousand Dollars (\$15,000).

"(b) For Register of the Circuit Court, an annual salary of Fourteen Thousands Dollars (\$14,000)."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared D. H. Dolson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of the Dothan Eagle, a newspaper of general circulation published in Houston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 4, 13, 20 and 27, all in the year 1975.

D. H. DOLSON.

Sworn to and subscribed before me June 3, 1975.

SARAH C. BOYDE,
Notary Public.

By Mr. Adams:

S. 558. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF HOUSTON

Notice is hereby given that a bill substantially as follows will be introduced in the present session of the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

AN ACT

To amend further Act. No. 273, S. 292 approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Be It Enacted by the Legislature of Alabama:

Section (1): Section 13, of Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan", is hereby further amended to read as follows:

"Section 13. TESTS.

a. General. The Director shall prepare and conduct tests for the purpose of enabling him to establish Employment Registers for the various classes of positions in the Classified Service. The tests shall be prepared and conducted so as to take into consideration elements of character, reputation, education, aptitude, experience, knowledge, physical fit-

ness and other pertinent matters. Such tests may be given in writing, orally, or in any other manner which will enable the Director to determine the fitness of the applicant for acceptance into some class of position in the Classified Service. Public notice of the time, place and general scope of every test must be given by the Director. Promotional Tests shall be conducted in like manner and embrace the same subject-matter as initial tests for similar Classified Employment. Admissions to test shall be open to all persons who: (a) reasonably appear to the Director to possess the required qualifications; (b) may be lawfully appointed to a position in the class for which a list is to be established, and (c) pays the fees, if any, prescribed by the Rules. The Director may, however, reject the application of any person for admission to test, or may strike the name of any person from a list, or refuse to certify the name of a person on a list for a position, if he finds that such person: (a) lacks any of the required qualifications; (b) is physically unfit to perform any of the duties of the position in which he seeks employment; (c) is addicted to the habitual use of drugs or intoxicating liquors; (d) has been convicted of any crime involving moral turpitude; (d) has been convicted of any crime involving moral turpitude; (e) has been dismissed from public services for delinquency; (f) has made a false statement of a material fact pertaining to his qualifications and service; and (g) practiced or attempted to practice any fraud or deception in his application or Test, or in attempting to secure appointment. The names of persons employed by the City at the time this Act becomes effective shall be placed on the Employment Roster without rating, and they shall be subject to all the provisions of this Act, except a certificate from the City Commission that any employee of the City has been employed in the same line of service for a period of two years and that such employee has rendered satisfactory service to the City shall relieve such person of taking any test authorized by the provisions of this Act, to continue to hold such position provided such employee is otherwise qualified.

b. Veteran, Wife of a Veteran, and Widow of a Veteran. An honorably discharged veteran of the armed forces of the United States who has served as much as one year during any war period, upon successful passing an entrance examination for a position in this Classified Service, shall have 5 points plus an additional point for each completed year of additional service added to the earned rating achieved in an examination for entrance to the Classified Service. Any veteran who has service connected disability which entitles him to compensation from the United States, or his wife if he is not qualified for city employment, or the widow of any person who died or was killed as a result of his services in the armed forces of the United States, or the widow of an honorably discharged veteran of the United States, who served during any war period, shall be entitled to and shall receive the equivalent of ten points, which points shall be added to the passing grade achieved in an examination for entrance to the Classified Service.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says: That he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: April 21, 28, May 5, 12, 1975, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where

it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 16th day of May, 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 532. Local Legislation No. 1.
- S. 567. Local Legislation No. 1.
- S. 603. Local Legislation No. 1.
- S. 604. Local Legislation No. 1.
- S. 628. Local Legislation No. 1.
- S. 630. Local Legislation No. 1.
- S. 633. Local Legislation No. 1.
- S. 754. Local Legislation No. 1.
- S. 631. Local Legislation No. 1.
- S. 742. Local Legislation No. 1.
- S. 571. Local Legislation No. 3.
- S. 624. Local Legislation No. 1.
- S. 664. Local Legislation No. 1.
- S. 679. Local Legislation No. 1.
- S. 680. Local Legislation No. 1.
- S. 558. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Jones:

S. 884. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Be It Enacted by the Legislature of Alabama:

Act No. 356 of the Legislature of Alabama of 1973 is hereby amended by adding the following subsection to Section 6:

(11) In addition to any other benefits payable under subsections (1), (2), (3), and (4) of this section, the Commission is authorized to pay on behalf of any such employee the premiums for such life, health and hospitalization insurance as is paid by the Commission for other county employees. All previous payments heretofore made for such purposes are hereby ratified.

Montgomery, Alabama

STATE OF ALABAMA
MONTGOMERY COUNTY

Before me, Kathleen F. Meads, a Notary Public in and for the State and County aforesaid, personally appeared Margaret B. Morgan, who, first being duly sworn according to law, deposes and says that she is BOOKKEEPER for The Advertiser Company, publishers of The Montgomery Advertiser and the Alabama Journal, and that the advertisement of Montgomery County Commission (A Bill to be Entitled an Act.) appeared in said publication The Alabama Journal June 21, 28, July 5, July 12, 1975.

MARGARET B. MORGAN

Sworn and subscribed before me this 16th day of July 1975.

KATHLEEN F. MEADS,
Notary Public, Montgomery County, Alabama.

Also:

By Mr. Edwards:

S. 898. Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294) is hereby amended to read as follows: "An act relating to Morgan County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, repealing conflicting laws, and subject to the ratification of a constitutional amendment and a county referendum vote thereon."

Section 2. Section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294) is hereby amended to read as follows:

"Section 11. This act shall become effective upon the approval of an amendment to the Constitution of Alabama authorizing the legislature to combine the offices of tax assessor and tax collector of Morgan County into one office of county revenue commissioner, and upon the approval of this act by a majority of the electors of Morgan County voting in a referendum to be held in the statewide general election of 1976. The governing body of Morgan County shall order and provide for the holding of the referendum on that date. On the ballots to be used at the election the question shall be stated substantially as follows: 'Shall the provisions of Act No. 261, enacted by the Legislature in 1973, which provides for the consolidation of the offices of tax assessor and tax collector in Morgan County into one office known as county revenue commissioner, be adopted? "Yes" () "No" ().'"

If a majority of the votes cast at the election are "Yes", then the provisions of this act shall become effective. If a majority of the votes cast are "No" this act shall have no further force and effect. The results of the election shall be certified by the probate judge of Morgan County to the secretary of state of Alabama, who shall make a permanent record thereof."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the The Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared

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in the issues of said paper on June 3, June 10, June 17 and June 24, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me June 24, 1975.

LUCY L. FERGUSON,
Notary Public.

Also:

By Mr. McDonald (S):

S. 290. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

With notice and proof thereto attached and herewith exhibited as follows:

PROPOSED LEGISLATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206), is hereby amended to read as follows:

"Section 2. The sheriff of Marshall County is hereby authorized to appoint the following number of employees whose compensation shall be determined by the county commission and shall be paid from any fund in the county treasury each month in an amount not less than that listed below:

No. of Empl. Auth.	Position	Comp.
1	Chief Deputy	\$850
14	Deputies	\$650
1	Chief Investigator	\$850
1	Asst. Investigator	\$650
1	Chief Jailor	\$650
3	Jailors	\$450
1	Chief Clerk	\$650
2	Clerks	\$450
1	Matron	\$250

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, April 24, May 1, and May 8, all in the year 1975.

EDWIN H. REED.

Sworn to and subscribed before me May 29, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

Also:

By Mr. Baker:

S. 260. To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, P. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the town.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, P. 2902), entitled "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," as amended to read:

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"Section 1. That the boundary lines of the Town of Fyffe, DeKalb County, Alabama, be, and the same are hereby altered or re-arranged so as to include within the corporate limits of said town all territory lying within the following described lands, lying in DeKalb County, Alabama to-wit:

South Half and northwest fourth and northwest fourth of northeast fourth of Section 10; and

Southeast fourth of Southwest fourth and Northwest fourth and Northwest fourth of Northeast fourth of Section 3; and

Northeast fourth of Northeast fourth fourth of Section 15; and

West half of Northwest fourth and Southeast fourth of Northwest fourth of Section 14; and

All of Section 4; and

East half of Southeast fourth and Northwest fourth of Northwest fourth of Section 9; and

Northeast fourth of North fourth of Section 5; and

East half of Northeast fourth and Southwest fourth of Northeast fourth and Southeast fourth of Northwest fourth and East half of Southeast fourth and Southwest fourth of Southeast fourth of Section 8; and

West half of Northeast fourth and Southeast fourth of Northwest fourth and North half of Southwest fourth of Section 17; and

Southeast fourth of Southeast fourth of Section 18; and

All in Township 7, South of Range 7 East:

Also, East half of Southeast fourth of Section 33; and

Northeast fourth of Southwest fourth and Northwest fourth of Southeast fourth and South half of Southwest fourth and South half of Southeast fourth of Section 32; and

All in Township 6, South of Range 7 East."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the TRI-COUNTY RURAL NEWS, a newspaper of general circulation published in DeKALB County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on APRIL 2, APRIL 9, APRIL 16, and APRIL 23, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me May 16, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Messrs. Baker and McDonald (S):

S. 149. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF DeKALB**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relation to DeKalb County. Imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such County for the collection of said tax.

Be It Enacted by the Legislature of Alabama:

Section 1. The term "gasoline" as used in this Act shall include gasoline, naptha and other liquid motor fuels or any devices or substitute therefor commonly used in internal combustion engines, provided that nothing contained in this Act shall apply to those products commonly known as kerosene oil, fuel oil, and crude oil used for lighting or heating purposes. The term "person" means and includes every person, corporation, co-partnership, company, agency or association, singular or plural. The term "distributor" shall include any person who shall engage in the selling of gasoline as herein defined in DeKalb County, by wholesale, in domestic trade, but shall not apply to any transaction by such distributor in interstate commerce. The term "retail dealer" shall include any person herein defined as the distributor who is also engaged in the sale of gasoline as herein defined at any place in DeKalb County in broken quantities. The term "storer" as used herein shall include any person who ships gasoline into DeKalb County in tank quantities and stores the same and withdraws or uses same for any purpose.

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Section 2. In addition to all other taxes imposed by law, there is hereby imposed an excise tax of 1 cent per gallon on persons, corporations, co-partnerships, companies, agencies or associations engaged in the business of selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline or other liquid motor fuels or devices or substitutes therefor in DeKalb County, Alabama, and to require every distributor, retail dealer or storer of gasoline as herein defined to pay excise tax of 1 cent per gallon upon the selling, distributing or withdrawing from storage for any use, gasoline as herein defined in DeKalb County, Alabama; provided that the excise tax levied by this Act shall not be levied upon the sale of gasoline in inter-state commerce, and provided further that if the excise tax imposed by this Act upon the sale of such gasoline shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the tax shall not be paid but once. The excise tax imposed by this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline and distributing same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline and its substitutes paying the tax herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such tax on the basis of their withdrawals or distributions. The tax herein provided for shall be in addition to any and all excise or other taxes whatsoever imposed on gasoline, naptha and other liquid motor fuels or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline as herein defined; however, the governing body of said county shall have no authority to levy any tax upon any gasoline as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the governing body of such county on forms prescribed by such governing body a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed by this Act, and shall furnish to said governing body such additional information as such governing body may require upon blanks to be formulated and furnished by said governing body, and at the time of making such report shall pay to the said governing body an amount of money equal to the excise tax levied by this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than two years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline made in DeKalb County taxed under this Act.

Section 5. Within thirty days after any tax shall have levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline in DeKalb County shall make a report on blanks furnished under Section 2 hereof to the governing body of said County, showing the place and post office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline within said County, which information shall be entered by the governing body

of said County on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said governing body of such removal, giving the former place and post office address and also the place and post office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline in said County until he shall have made such reports to the said governing body.

Section 6. If any distributor, storer or retail dealer of gasoline in said County shall fail to make the reports or any of them as required in any provisions of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the governing body of said County, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$50.00 nor more than \$300.00 for each offense.

Section 7. It shall be the duty of the governing body of said County to enforce the provisions of this Act and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax.

Section 8. If any distributor, storer or retail dealer in gasoline shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the governing body of the said County a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said governing body shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed by this Act, the governing body of said County shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the governing body issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to the County of DeKalb by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said County and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said County by the Attorney General of the State of Alabama, or by such counsel as the governing body of said County shall direct, from distributing, selling, storing or withdrawing from storage any gasoline the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

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Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in DeKalb County shall report to the governing body of said County on the first day of January, April, July and October of each year all shipments of gasoline as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in DeKalb County, Alabama, during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into the road and bridge fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the road and bridge fund provided for in Section 12, shall be made for matching state highway department funds or federal funds for the construction, maintenance and repair of roads and bridges in DeKalb County which are under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall any expenditure be made for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 14. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. All laws or parts of laws which conflict with this Act are repealed.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DEKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 25, April 1, April 8, and April 15, all in the year 1975.

J. E. WHITTLE,
Publisher.

Sworn to and subscribed before me May 2, 1975.

CHRISTINE C. DILBECK.

Also:

By Messrs. Baker and McDonald (S):

S. 148. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance

tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF DEKALB**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The DeKalb County Commission may levy and collect from each producer of coal in DeKalb County, a privilege or license tax to be known as a "severance tax." The rate of said tax shall be established by said county commission.

Section 2. The tax herein levied shall be in addition to any state tax heretofore or hereafter imposed on the severance of coal and shall be deposited in the general fund of said County at the discretion of said county commission.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF DEKALB**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 25, April 1, April 8, and April 15, all in the year 1975.

J. E. WHITTLE,
Publisher.

Sworn to and subscribed before me May 2, 1975.

CHRISTINE C. DILBECK.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committee as follows:

- S. 884. Local Legislation No. 4.
- S. 898. Local Legislation No. 1.
- S. 290. Local Legislation No. 1.
- S. 260. Local Legislation No. 1.
- S. 149. Local Legislation No. 1.
- S. 148. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Edwards, McDonald (A), King and Baker:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amounts sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties,

making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .4558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the Office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF COLBERT

Before me, Jeannie Griffith, a notary public in and for said State and County aforesaid, personally appeared Jim Crawford, Jr., Publisher of Colbert County Reporter and after being duly sworn by me, deposes and says that the attached Legal Notice was published in the Colbert County Reporter for 4 successive weeks, as follows: June 18, 25, July 2, 9, 1975; that Colbert County Reporter is a weekly newspaper of general circulation in Colbert County, Alabama. That it is entered in the Post Office at Tuscombua, Alabama 35674, as second-class mailing matter. That it has been published for 52 successive weeks prior to the publication of this legal notice.

JIM CRAWFORD, JR.,
Publisher.

REGULAR SESSION
31st Day

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Sworn to and subscribed before me, this 22nd day of July, 1975.

JEANNIE GRIFFITH.

My Commission expires April 1, 1978.

LEGAL NOTICE

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County,

.14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, July 10, all in the year 1975.

MARC MILLER,
Publisher.

Sworn to and subscribed before me June 27, 1975.

CHARLOTTE MILLER.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

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Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA
COUNTY OF FRANKLIN

Before me, a Notary Public, in and for said State and County, personally appeared Claude E. Sparks, publisher of the Franklin County Times, a newspaper published in said State and County, who, being sworn according to law, deposes and says that the legal notice, copy of which is herewith attached, was duly published in the Franklin County Times for 4 consecutive weekly issues beginning with the issue of June 19, 1975, and ending with the issue of July 10, 1975.

CLAUDE E. SPARKS.

Subscribed and sworn to before me, this the 25th day of July, 1975, at Russellville, Ala.

JEAN ELLEN BAILEY,
Notary Public.

My commission expires 5-19-79.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the

authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. Legislative findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distributions of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .004558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF JACKSON

Before me, the undersigned authority in and for said County in said State, this day personally appeared James K. Harkness, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Daily Sentinel, a newspaper of general circulation published in Jackson County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having ap-

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peared in the issues of said paper on June 20th, 27th, July 4th, and July 11th, all in the year 1975.

JAMES K. HARKNESS.

Sworn to and subscribed before me 15th day of July, 1975.

EDNA KIRBY,
Notary Public.

My Commission Expires Sept. 17, 1975.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-

wit: Colbert County, .09582333; Cullman County .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA LAUDERDALE COUNTY

I, MARTHA MOSAKOWSKI EDITOR of The Florence Herald, a weekly newspaper published in Florence, Alabama, hereby make affidavit that the advertising of—A BILL TO BE ENTITLED AN ACT—to authorize the dissolution of District Number one Tuberculosis Sanatorium Authority was published in The Florence Herald on the days and dates and in the amount of space as here given, as follows: June 19, 26, July 3, 10, 1975.

Florence, Ala., July 10, 1975.

MARTHA MOSAKOWSKI,
Editor of The Florence Herald.

Sworn to before me this 10 day of July, 1975.

NANCY J. HAMILTON,
Notary Public.

My Commission expires 5-31-78.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature Of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of

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tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,00.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402430; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA
LAWRENCE COUNTY

Before me a Notary Public, in and for said State and County, personally appeared Arthur F. Slaton, publisher of The Moulton Advertiser, a newspaper published in said State and County, who being sworn according to law, deposes and says that, the legal notice, copy of which is herewith attached, was duly published in The Moulton Advertiser for 4 consecutive weekly issues beginning with the issue of June 19, 1975 and ending with the issue of July 10, 1975.

ARTHUR F. SLATON.

Subscribed and sworn to before me, this the 22 day of July, 1975 at Moulton, Alabama.

LUTHER A. SLATON,
Notary Public.

My commission expires 11-4-78.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the pro-

visions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature Of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA LIMESTONE COUNTY

Personally appeared before me the undersigned authority in and for said county and state, Alabama who after being duly sworn deposes and says:

My name is Bob Bryan. I am Publisher of the Athens News Courier a newspaper of general circulation, published semi-weekly in Athens, Limestone County, Alabama. The copy of publication hereto attached was published in said paper for 4 consecutive weeks, the first copy of

said notice appearing in the issue of said paper published on the 17 day of June, 1975, and the last copy of said publication appearing in the said paper on the 8 day of July, 1975.

BOB BRYAN.

Sworn and subscribed to before me this 14 day of July, 1975.

EDNA B. BRACKEEN,
Notary Public.

My Commission Expires Feb. 12, 1976.

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or ther contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions

to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761705.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 14, 21, 28 and 30, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage in enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature Of Alabama as follows:

Section 1. Legislative Findings and Intent.

The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer

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feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

STATE OF ALABAMA
MARION COUNTY

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks.

6-19-75, 6-26-75, 7-3-75, 7-10-75.

THE MARION COUNTY JOURNAL,
Roger Quinn.

Sworn and subscribed to before me, This 14th day of July, 1975.

BUDDY HALL,
Notary Public.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be it enacted by the Legislature of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PUBLISHER'S AFFIDAVIT

Notice—A bill to be entitled an Act, to Authorize the dissolution of District No. 1 Tuberculosis Sanatorium Authority, etc.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated Aug. 4, 11, 18, 25 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A"; that the charge for such publication is 86.36 which affiant claims as cost.
EXHIBIT "A"

PORTER HARVEY.

Subscribed and sworn to before me this 28th day of August 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By the Legislature Of Alabama as follows:

Section 1. Legislative Findings and Intent. The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other con-

tingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file a written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared S. D. Nettles, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Controller of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 16, June 23, June 30, and July 7, all in the year 1975.

S. D. NETTLES.

Sworn to and subscribed before me July 7, 1975.

LUCY L. FERGUSON,
Notary Public.

NOTICE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage in enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds

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not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Be It Enacted By The Legislature Of Alabama as follows:

Section 1. Legislative Findings and Intent.

The Legislature hereby finds and declares that by reason of the decrease in the number of tuberculosis patients it became no longer feasible or necessary to operate District No. One Sanatorium and it was closed and all its real and personal property sold and that District No. One Sanatorium Authority, a public corporation, has on hand funds for disposition.

Section 2. The Authority shall distribute to the counties, making original contributions to the Trustees of District No. One Sanatorium the amounts originally contributed by each to-wit: Colbert County, \$15,000.00; Cullman County, \$14,000.00; Franklin County, \$11,000.00; Jackson County, \$12,000.00; Lauderdale County, \$18,000.00; Lawrence County, \$8,000.00; Limestone County, \$11,000.00; Madison County, \$25,000.00; Marion County, \$12,000.00; Marshall County, \$12,000.00; Morgan County, \$25,000.00; and Winston County, \$6,500.00.

Section 3. The Authority shall withhold an amount estimated to be sufficient to meet any employee unemployment claims or other contingent claims and pay such just claims that arise within two years after the passage of this Act and then make distribution of any balance so withheld as provided in Section 4.

Section 4. All funds, other than those provided for in Sections 2 and 3 shall be distributed to the several counties making contributions to the operation of the sanatorium in the ratios that the contributions of each bore to the total contributions of all in the following percentages, to-wit: Colbert County, .09582333; Cullman County, .09614195; Franklin County, .06488925; Jackson County, .00643367; Lauderdale County, .14851940; Lawrence County, .01402530; Limestone County, .08164108; Madison County, .20925046; Marion County, .04558915; Marshall County, .01071788; Morgan County, .15936052; and Winston County, .06761795.

Section 5. Upon final distributions of all funds, the Chairman of the Board of Trustees of the Authority shall file written statement in the office of the Probate Judge of Morgan County showing compliance with this act and the Authority will thereby be dissolved.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 19, June 26, July 3, and July 10, all in the year 1975.

DON THRASHER.

Sworn to and subscribed before me the thirty-first day of July, 1975.

MILDRED GREGG,
Notary Public.

Also:

By Mr. Waldrop:

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF ETOWAH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in Etowah County.

Section 2. It is the purpose of this act to better secure the administration of the financial affairs of such counties by vesting in the chairman

of the county commission, and members of said commission, a direct and effective supervision over all county offices, departments, boards and agencies and to provide for the annual initiation and preparation of a balanced budget of all revenues and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund and other funds.

Section 3. THE Chairman of the County Commission shall:

A. Be charged with the responsibility of supervision and controlling all payments from county funds of appropriate warrants, of warrant checks, which said warrants or warrant checks shall be signed by said chairman and the associate member of the commission with the longest consecutive tenure.

B. Direct and supervise the drafting and preparation of the tentative budget document and the final budget document;

C. Perform the necessary work in reviewing requisitions for payments as are submitted;

D. Make such investigations as he may deem appropriate as related to budgetary matters.

E. Make such rules and regulations as may be necessary for carrying out the provisions of this act;

F. Perform such other duties as are herein provided and any such duties as may be required to effectively control the financial operations of county government;

Section 4. On or before March 1 of each year, the County Commission Office (Chairman), Associate County Commissioners (District 1, 2, 3, and 4), Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, and all other county offices, departments, institutions, boards, or agencies (and all state or municipal departments, institutions, boards, commissions or agencies desiring funding, payments, or appropriations from county government) shall transmit to the chairman of the county commission estimates of their expenditures for the coming fiscal year. In event of any failure to submit a required estimate, the chairman of the county commission may cause required estimate, the chairman of the county commission may cause to be prepared such an estimate as in his opinion reasonable and proper.

Section 5. On or before March 1 of each year the chairman of the county commission shall prepare an estimate of the total income of the county for the coming fiscal year, listing and classifying such income according to source.

Section 6. Not later than July 1 of each year, the chairman of the county commission shall cause to be prepared a tentative budget. The aggregate sums tentatively budgeted for expenditure during the ensuing fiscal year shall not exceed the estimated revenues for the ensuing year plus the amounts in county funds remaining in the treasury at the close of the year in progress. Said tentative budget shall present in detail proposed expenditures to meet the needs of county government.

Section 7. County offices, departments, boards, and agencies must be given preference in the aforesaid tentative budget, as well as in the final budget adopted, so that funding, payments, or appropriations to state and municipals departments, institutions, boards, commissions and agencies (except for funding, payment or appropriations required by law) shall be reduced or eliminated as may be necessary in order that needs of county offices be first met.

Section 8. The chairman of the county commission shall make provision for public hearings on the tentative budget not later than August 15 of each year, to which he shall extend invitations to the heads of all concerned county, state and municipal offices, departments, boards, institutions, commissions and agencies, to be present at such hearings and to participate in same through the asking of questions and/or the expression of opinion in regard to items of the tentative budget.

Section 9. Within a reasonable time after the conclusion of the public hearings above provided for, but before October 1, the county commission, upon recommendation of the chairman of said commission, shall adopt and approve a final budget for the ensuing fiscal year, which said budget may not thereafter be amended or revised except by majority vote of the said commission, upon the recommendation of the chairman, which said budget must not provide for a deficit. If said final budget should be amended for any elected county office, department board or agency before the fiscal year is completed, all other elected county offices, department boards or agencies are to be notified in writing immediately by the chairman of the County Commission.

Once said final budgets (revenues and expenditures of all county funds) are approved the Chairman of the County Commission shall publish same in a local newspaper by October 15. On or before April 15 said Chairman shall again publish said budget showing revenues received and monies expended to date. The same shall be repeated on or before September 15.

The expenditures of no office, department, board, institution, commission or agency shall exceed the amount originally provided for in the aforesaid final budget, unless same be amended or revised to provide for same by majority vote of the county commission, upon recommendation of the chairman. Any department official including the County Commission Office (Chairman) Associate County Commissioners (District 1, 2, 3, and 4) Sheriff, Circuit Clerk, Tax Assessor, Tax Collector, Probate Judge, Coroner, Constable, County Judge, who willfully violates any of the provisions of this section shall be personally liable for the amount by which the expenditures of his office, department board, institution, commission or agency exceed the amount set by the aforesaid budget up to one-hundred percent of his salary and expense allowances unless same be amended or revised as above provided for.

The chairman of the county commission shall regularly review expenditures of all offices, departments, boards, institutions, commissions and agencies and shall forthwith notify any department head or other official in charge when it appears that he will exceed his budget for the fiscal year. If the appropriate department head fails to take remedial action, the chairman of the county commission shall not sign further warrants or warrant checks in payment of expenditures of the affected department until such remedial action is taken.

Section 10. The chairman of the county commission shall restrict the payment of warrants, or warrant checks, to prevent an overdraft or deficit in any fiscal year; payments shall be payable in such proportion as the total sum budgeted for such office, department, board, institution, commission or agency, bears to the total amount estimated as available in said fiscal year; that is payments shall be made from available funds by prorating, without discrimination against any office, department, board, institution, commission or agency.

Section 11. All funds budgeted during any fiscal year to any office, department, board, institution, commission or agency, but not expended during said year, shall lapse at the end thereof and shall not be subject

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to expenditure (in addition to newly budgeted funds) during the ensuing fiscal year; that is such office, department, board, institution, commission or agency, shall, in the ensuing year, be limited to the amount provided for in the new budget.

Section 12. For the fiscal year commencing October 1, 1975, and ending September 30, 1976, the tenth day of the month next following the enactment of this act shall be applicable in lieu of the date of March 1 where hereinabove provided in Sections 4 and 5.

Section 13. The county commission, upon the recommendation of the chairman, shall hire a central purchasing agent whose duty shall be to maintain an inventory supply of materials and equipment, purchase such material and equipment on a competitive bid basis where practicable, and to disperse such materials and equipment chargeable to approved budgeted accounts of the various offices, department, agencies, institutions and boards. Purchase orders shall be made by a requisition from the respective department head or the respective county commissioner and said requisition order shall show the description, use and need for the article, machinery, or equipment to be purchased. All requisitions to the central purchasing agent must be approved by the agent prior to disbursement. The central purchasing agent is prohibited from approving or disbursing materials, machinery, equipment, or supplies in value beyond the final fiscal year budget approved by the county commission.

The central purchasing agent, in order to carry out his various duties and functions shall be provided by the county commission all such clerical help as may be necessary for the efficient operation. The annual salary for the central purchasing agent shall be set by a majority vote of the county commissioners in the form of a resolution but said sum shall not exceed the total sum of \$15,000.00 per year; provided that salary may be increased in the same manner as other employees insofar as cost of living salary increases are otherwise provided for by law.

The central purchasing agent, any member of his family, any dependents, or any relatives related either by blood or marriage in the third degree shall not do any business with the county.

The central purchasing agent shall not accept anything of value, including a gift, favor or service, based on any understanding that the official actions or purchases of the central purchasing agent would be influenced thereby or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with food afforded the central purchasing agent when such expenses are in an amount of less than \$25 per year shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Any person who violates any provision of this section and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

Section 14. If any section or provision of this act is declared unconstitutional, the sections or provisions remaining shall not be affected.

Section 15. This act shall be considered cumulative, but all laws or parts of laws in conflict herewith are repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
ETOWAH COUNTY

Before me, Walter Betz a Notary Public, in and for said County, in said State, personally appeared Angie Sharp, who is known to me, and and who, after being by me duly sworn, deposes and says under oath as follows:

That she is Advertising Bookkeeper of The Gadsden Times, a Newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry legal advertising;

That, as such employee, she has knowledge of the facts hereinafter stated, and that she is authorized by said, The Gadsden Times, to make this affidavit;

That there is glued to said affidavit notice of the A Bill to be Entitled and Act, which notice was printed in The Gadsden Times in its regularly circulated editions on May 10th, May 11th, May 18th, and May 25th 1975, and that the clipping glued to this affidavit constitutes an exact and true copy of said advertisement as it appears in The Gadsden Times on the dates shown above.

Subscribed and sworn to by me on this, the 26th day of May, 1975.

ANGIE SHARP.

Subscribed and sworn to before me on this 26th day of May, 1975.

WALTER BETZ,
Notary Public, Etowah County, Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 1110. Local Government.

S. 292. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Flippo:

S. 810. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Section 1. Each county commissioner in Lauderdale County shall receive a further and additional expense allowance of \$150.00 per month which shall be paid in addition to any and all other expense allowances and compensation provided for by law.

Section 2. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE A BILL TO BE ENTITLED AN ACT Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

Section 1. Each county commissioners in Lauderdale County shall receive a further and additional expense allowance of \$150.00 per month which shall be as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given as follows:

May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

WALLACE E. OWEN, JR.,
Notary Public.

Also:

By Mr. Flippo:

S. 812. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; providing an expense allowance for the County Coroner.

SECTION 1. The County Coroner in Lauderdale County shall receive a monthly expense allowance of \$150.00. Such allowance shall be in addition to any and all other compensation and allowances received by said Coroner.

SECTION 2. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE A BILL TO BE ENTITLED AN ACT Relating to Lauderdale County; providing an expense allowance for the County Coroner.

Section 1. The County Coroner in Lauderdale County shall receive a monthly expense allowance of 150.00. Such allowance shall be in addition to any and all other compensation and allowances received by said Coroner. as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows:

May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th, day of June 1975.

WALLACE E. OWEN, JR.,
Notary Public.

Also:

By Mr. Flipppo:

S. 813. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

Be It Enacted by the Legislature of Alabama:

Section 1. All weeds growing upon streets or sidewalks or upon private property within the city limits of Florence which bear seeds of a wingy or downy nature or attain such large growth as to become a fire menace when dry, or which are otherwise noxious or dangerous, and any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles not in useable condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, may be declared to be a public nuisance by the city governing body, and thereafter abated as provided in this Act.

Section 2. Whenever any officer or employee of the city of Florence charged with said responsibility shall report to the city governing body the existence of any condition enumerated in Section 2 hereof, may, by resolution, if the proof be satisfactory, declare the same to be a public nuisance. Said resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which said nuisance exists by giving a legal description thereof; and no other description of said property shall be required. Any number of streets, sidewalks or parcels of private property, may be included in one and the same resolution.

Section 3. After the passage of said resolution, the city governing body shall cause to be conspicuously posted in front of the property on which or in front of which such nuisance exists, at not more than one hundred feet in distance apart, but not less than two in all, notices headed "Notice to Remove Public Nuisance," such heading to be in words not less than one inch in height and substantially in the following form:

NOTICE TO REMOVE
PUBLIC NUISANCE

Notice is hereby given that on the ____ day of _____, 19____, the (Name of the governing body) passed a resolution declaring that a public nuisance exists upon or in front of the property on _____ (street) in said _____ (city), and more particularly described in said resolution, and that the same constitutes a public nuisance which

must be abated by the removal of said public nuisance, otherwise they will be removed and the nuisance will be abated by the municipal authorities, in which case the cost of such removal shall be assessed upon the lots and lands from which or in front of which such public nuisance is removed, and such cost will constitute a lien upon such lots or lands until paid. Reference is hereby made to said resolution for further particulars.

All property owners having any objections to the proposed removal of said public nuisance are hereby notified to attend a meeting of the (name of governing body) of said (city or town) to be held (give date), when their objections will be heard and given due consideration.

Dated this ____ day of _____, 19 ____

Name of City

By _____ City Clerk

Said notices shall be posted at least five days prior to the time for hearing objections by the governing body of the city. In addition, a notice shall be mailed to the owner of the property at least five days before the meeting at which objections will be heard. Such notice mailed to the person last assessing the property for taxes according to the records of the County Tax Assessor shall be conclusively presumed to be adequate and to comply with the requirements for such notice as provided herein.

Section 4. At the time stated in the notices, the governing body of the city shall hear and consider all objections or protests, if any, to the proposed removal of said nuisance, and may continue the hearing from time to time. Upon the conclusion of said hearing the governing body, by motion or resolution, shall allow or overrule any or all objections, and if the objections are overruled with respect to any piece of property described the governing body shall be deemed to have acquired jurisdiction to proceed and perform the work of removal with respect to such piece of property, and the decision of the governing body on the matter shall be deemed final and conclusive.

Section 5. After final action has been taken by the governing body on the overruling of any protests or objections with respect to any described piece of property or in case no protests or objections have been received, the city governing body, by motion or resolution, shall order the abatement of said nuisance by having the nuisance referred to removed, and all necessary employees of such municipality are hereby expressly authorized to enter upon private property for that purpose. Any property owner shall have the right to have any such nuisance removed at his own expense providing the same is done prior to the arrival of the employees of the city to do the same.

Section 6. The city shall keep an account of the cost of abating such nuisance in front of or on each separate lot or parcel of land where the work is done by it or its employees, and shall render an itemized report in writing to the city governing body showing the cost of removing such on each separate lot, or in front thereof, or both; provided, that before said report is submitted to said governing body, copy of the same shall be mailed to the owner or owners of the property at least three days before said report shall be submitted to the governing body for confirmation.

Section 7. At the time fixed for receiving and considering said report, the city governing body shall hear the same, together with any objections which may be raised by any of the property owners liable

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to be assessed for the work of abating said nuisance and thereupon make such modifications in the report as they deem necessary, after which by motion or resolution said report shall be confirmed. The amounts of the cost for abating such nuisance in front of or upon the various parcels of land mentioned in said report shall constitute special assessments against the respective parcels of land and as thus made and confirmed shall constitute a lien on said property for the amount of such assessments, respectively. After confirmation of said report, a copy shall be turned over to the appropriate official or employee of the city who is charged with the collection of taxes or assessments, whereupon it shall be the duty of said official or employee to add the amounts of the respective assessments to the next regular bills for taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

Section 8. All laws or parts of laws in conflict herewith be and same are hereby expressly repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, June 3, June 10, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

Also:

By Mr. Flippo:

S. 814. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be in-

roduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

SECTION 1. Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421) is hereby amended to read as follows:

"Section 1. In lieu of the deputies and assistants heretofore authorized by law the sheriff of Lauderdale County shall appoint:

"(a) one chief deputy, and not less than eight deputies in addition to the chief deputy, the exact number of such deputies to be determined by the county governing body.

"(b) one or more secretaries, at the discretion of the county governing body, who may be deputies but shall not be included in the number of deputies authorized in subsection (a) above.

"(c) two or more jailers, at the discretion of the county governing body, who may be deputies, but shall not be included in the number of deputies authorized in subsection (a) above.

"The exact amount of compensation of each of such deputies, jailers and assistants shall be fixed by the county governing body and shall be paid out of the general fund of the county as the salaries of other county employees are paid".

SECTION 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama. said notice having appeared in the issues of said paper on May 27, June 3, June 10, and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

Also:

By Mr. Bank:

S. 820. Relating to Choctaw County; to provide that the county

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commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Choctaw County shall pay each person summoned for duty on any grand or petit jury such an amount as will make the total compensation of such jurors equal \$20 per day. Such sums shall be paid out of any funds in the county treasury available for such purposes. When the judicial article goes into effect, such sums shall be paid by the State of Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, Inc., a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

CHARLES STEBBINS.

Sworn to and subscribed before me June 26, 1975.

NELL F. EZELL,
Notary Public.

Also:

By Mr. Bank:

S. 821. Applicable to Choctaw County, Alabama; to provide an expense allowance for the members of the county governing body of said county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA
COUNTY OF CHOCTAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Applicable to Choctaw County, Alabama; to provide an expense allowance for the members of the county governing body of said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the governing body of said county shall receive an expense allowance of \$200.00 per month which shall be paid each month from any funds of said county. Such expense allowance shall be in addition to any other salary, compensation, or expense allowance provided such members.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, Inc., a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

CHARLES STEBBINS.

Sworn to and subscribed before me June 26, 1975.

NELL F. EZELL,
Notary Public.

Also:

By Mr. King:

S. 847. Amending Title 37, Section 788, Code of Alabama, authorizing the City of Huntsville in Madison County to create a Planning Commission having certain powers, duties and regulations.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

amending Title 37, Section 788, Code of Alabama, authorizing the City of Huntsville in Madison County to create a Planning Commission having certain powers, duties and regulations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Planning Commission of the City of Huntsville in Madison County, Alabama created pursuant to the provisions of Title 37, Section 788, Code of Alabama, as amended, shall consist of twelve members, namely the Mayor, or Assistant, one of the Administrative Officials of the municipality, selected by the Mayor, and a member of the Council to be selected by it as members ex officio, and nine persons appointed by the Mayor.

Section 2. The adoption of any plan or amendment by the Commission shall be by resolution of the Commission pursuant to the provisions of Code of Alabama, Title 37, Section 793, as amended, and shall be carried by the affirmative votes of not less than eight members of the Commission. Six members of the Commission shall constitute a quorum for the conduct of business. The approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority of those members present.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on July 2, 7, 14 and 20, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 21st day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. Adams:

S. 848. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

The official Court Reporters of the Twentieth Judicial Circuit, composed of Houston and Henry Counties, shall receive, in addition to all other compensation provided by law, an additional compensation of \$2400.00 each per annum, which shall be payable in equal monthly installments, each County to pay its pro rata share of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judges of said Circuit in favor of said Court Reporters for the amount due by each County each month.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA COUNTY OF HENRY

Before me, Ann Marshall Peebles, a Notary Public, in and for said County, in said State, personally appeared Nathalie S. Dodd, who is known to me, and who by me being duly sworn, deposes and says that she is the Co-publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: April 10, April 17, April 24, May 1, all in the year 1975.

NATHALIE S. DODD,
The Abbeville Herald.

Sworn to and subscribed before me, this 1st day of May, 1975.

ANN MARSHALL PEEBLES.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

To provide for additional compensation for the official Court Re-

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porters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Be It Enacted by the Legislature of Alabama:

The official Court Reporters of the Twentieth Judicial Circuit, composed of Houston and Henry Counties, shall receive, in addition to all other compensation provided by law, an additional compensation of \$2400.00 each per annum, which shall be payable in equal monthly installments, each County to pay its pro rata share of such salary based upon the assessed value of all taxable property of such County for the preceding year on certificates issued by the Judges of said Circuit in favor of said Court Reporters for the amount due by each County each month.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says: That he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: March 26, April 2, 9, & 16, 1975, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 17th day of April, 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

Also:

By Mr. Torbert:

S. 850. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Any savings and loan association, chartered by the United States Government, whose principal place of business is in a city or town in Georgia which is contiguous to Chambers County, Alabama, shall have the power to establish, maintain and operate within the limits of Beats or Precincts Seven and Thirteen of Chambers County, Alabama, as such beats are now defined for the purpose of holding elections, one or more branches, branch offices, branch agencies, additional offices or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general savings and loan business, provided that such savings and loan association before the establishment of any such branch or branches, shall first secure the approval of the Federal Home Loan Bank Board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of The Valley Times-News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1975.

MARK T. WALLS.

Sworn to and subscribed before me July 16, 1975.

BETTY V. SORRELL,
Notary Public.

Also:

By Mr. Bank:

S. 851. Relating to Hale County; regulating and providing for the payment of compensation of election officers.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Hale County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Hale County shall each be entitled to fifteen dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. However, amounts paid to election officers under this act for compensation, per diem or mileage in excess of the amounts prescribed by general laws shall not in any case be reimbursable by the State.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edward E. Lowry, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 6-5-75, 6-12-75, 6-19-75, and 6-26-75, all in the year 1975.

EDWARD E. LOWRY, JR.

Sworn to and subscribed before me June 26, 1975.

WILLIE L. ARRINGTON,
Notary Public.

Also:

By Mr. Bank:

S. 852. Relating to Hale County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Hale County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Hale County shall pay each person summoned for duty on any grand or petit jury such amount as will make the total compensation of such jurors equal \$20 per day. Such sums shall be paid out of any funds in the county treasury available for such purposes.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edward E. Lowry, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

EDWARD E. LOWRY, JR.

Sworn to and subscribed before me June 26, 1975.

WILLIE L. ARRINGTON,
Notary Public.

Also:

By Mr. Givhan:

S. 866. Relating to Hale County; providing for an expense allowance, in lieu of all other expense allowances, for the members of the county governing body for their remaining terms of office and providing for a salary for each such person, in lieu of all other compensation, to take effect upon the expiration of the current terms of office.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

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Relating to Hale County; providing for an expense allowance, in lieu of all other expense allowances, for the members of the county governing body for their remaining terms of office and providing for a salary for each such person, in lieu of all other compensation, to take effect upon the expiration of the current terms of office.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the county governing body of Hale County shall receive, in addition to the \$100 per month salary now payable to such members, a monthly expense allowance of \$500. The expense allowance provided herein shall be in lieu of any expense allowance now payable to the members of said body and shall be payable, upon the effective date of this act, out of the general funds of Hale County in equal monthly installments, and shall be payable until the expiration of the terms of office of the respective incumbent members of said governing body.

Section 2. Upon the expiration of the terms of office of the incumbent members of the Hale County governing body, the members shall each receive a monthly salary of \$600, which salary shall be payable in lieu of any salary, expense allowance or other compensation which may then be payable to such members, and shall be payable in equal monthly installments from the general funds of Hale County.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF HALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edward E. Lowry, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Greensboro Watchman, a newspaper of general circulation published in Hale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 12, June 19, June 26, and July 3, all in the year 1975.

EDWARD E. LOWRY, JR.

Sworn to and subscribed before me July 7, 1975.

WILLIE L. ARRINGTON,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and and referred to appropriate Standing Committees as follows:

- S. 810 Local Legislation No. 1.
- S. 812 Local Legislation No. 1.
- S. 813 Local Legislation No. 1.
- S. 814 Local Legislation No. 1.
- S. 820 Local Legislation No. 1.
- S. 821 Local Legislation No. 1.
- S. 847 Local Legislation No. 4.
- S. 848 Local Legislation No. 1.
- S. 850 Local Legislation No. 1.
- S. 851 Local Legislation No. 1.
- S. 852 Local Legislation No. 1.
- S. 866 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment.

By Messrs. Baker and McDonald (S):

S. 147. To limit the use of public road and bridge funds of DeKalb County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To limit the use of public road and bridge funds of DeKalb County.

Be It Enacted by the Legislature of Alabama:

Section 1. No monies in the DeKalb County road and bridge fund shall be expended for any purpose other than for the construction, maintenance and repair of roads and bridges in said county under contract with the state highway department or a private contractor who has complied with the state competitive bid laws. In no case shall such funds be transferred to the general fund or used for salaries, purchase of equipment or machinery or for any purpose other than herein provided.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jerry Whittle, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of The Times-Journal, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 25, April 1, April 8, and April 15, all in the year 1975.

JERRY WHITTLE,
Publisher.

Sworn to and subscribed before me May 2, 1975.

CHRISTINE C. DILBECK,
Notary Public.

Also:

By Messrs. Mitchell and Powell:

S. 157. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County is hereby amended to read as follows:

"Section 2. The county superintendent of education of Crenshaw County shall receive as compensation for his service an annual salary in

such amount as is fixed by the county board of education, and an expense allowance in an amount fixed by the county board of education. The salary of the county superintendent shall be paid at the times and in the manner prescribed by the general law for the payment of salaries of county superintendents of education. The expense allowance shall be paid in equal monthly installments from the public school funds of Crenshaw County. The county board of education of Crenshaw County is hereby authorized and directed to fix and approve the salary and expense allowance of the county superintendent of education and shall review such salary and expense allowance upon the appointment or reappointment of the county superintendent of education. Such salary and expense allowance shall be the entire compensation allowed the county superintendent and shall be in lieu of all other compensation, salary and allowances heretofore provided for the superintendent of education of such county.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Alvin Bland, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Luverne Journal & News, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Apr. 2, Apr. 9, Apr. 16, and Apr. 23, all in the year 1975.

ALVIN BLAND.

Sworn to and subscribed before me April 24, 1975.

PEGGY L. KNIGHT,
Notary Public.

Also:

By Messrs. Mitchell and Powell:

S. 158. Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in

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a fund to be designated the sheriff's fund and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Crenshaw County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Code of Alabama 1940, Title 14, Section 177, shall be five dollars which shall be collected by the sheriff.

Section 2. One dollar of each fee collected under Section 1 of this Act shall be paid into the county treasury and the remaining four dollars of each fee shall be deposited by the sheriff of Crenshaw County in any bank located in Crenshaw County, into a fund known as the sheriff's fund.

Section 3. The sheriff's fund provided for in Section 2 of this Act shall be drawn upon by the sheriff of Crenshaw County or his appointed agent and shall be used exclusively for the purchase of equipment and supplies in the sheriff's office.

Section 4. The establishment of the sheriff's fund as provided in this Act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or the operation of his office.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CRENSHAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Alvin Bland, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Luverne Journal & News, a newspaper of general circulation published in Crenshaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Apr. 2, Apr. 9, Apr. 16, and Apr. 23, all in the year 1975.

ALVIN BLAND.

Sworn to and subscribed before me April 24, 1975.

PEGGY L. KNIGHT,
Notary Public.

Also:

By Mr. Noonan:

S. 201. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

Also:

By Messrs. Perloff, Noonan, Roberts and Owen:

S. 478. To amend the title and Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon etc. so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

Also:

By Mr. Roberts:

S. 480. To prohibit the operation of a motor or motorized vehicle upon coastal beaches or sand dunes of any island located within a county having a population of not less than 300,000 nor more than 600,000.

Also:

By Mr. Roberts:

S. 481. To amend Act No. 2441, of the 1971 Legislature (Acts, 1971, page 3903), entitled "An Act to provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such a municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any Civil Service or Personnel Board rules or regulations concerning such appointment and providing that such Personnel Board may fix the compensation of said chief of police, and his status in any Civil Service System in such municipality."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 147. Local Legislation No. 1.
- S. 157. Local Legislation No. 1.
- S. 158. Local Legislation No. 1.
- S. 201. Local Legislation No. 3.
- S. 478. Local Legislation No. 3.
- S. 480. Local Legislation No. 3.
- S. 481. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald (A):

S. 952. To repeal Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530) and to repeal Act No. 144, H. 130, First Special Session

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1971 (Acts 1971, p. 228), both Acts entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities."

Also:

By Mr. Jones:

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions.

The following words and phrases as used in this ordinance, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "System" shall mean the Employees' Retirement System of the City of Montgomery, as defined in Section 2 of this ordinance.

(2) "City" shall mean the City of Montgomery, Alabama, with respect to its employees, and any board or boards of the city now existing or hereafter created and duly authorized by the commission to participate in the system with respect to its employees.

(3) "Commission" shall mean the board of commissioners of the city.

(4) "Board" shall mean the board of trustees of the system provided for in Section 5(B) of this ordinance to administer the system, but shall not include the investment trustee.

(5) "Medical Board" shall mean the board of physicians provided for in Section 5(D) of this ordinance.

(6) "Employee" shall mean any regular and permanent officer or employee of the city, including elected or appointed officials or commissioners, and the regular employees of any board, commission, or commissioner and any person or persons employed by the city and performing the duties of a regular employee in the service of the city and whose

compensation is computed on either a monthly or per diem basis, but shall not include anyone who is paid on a fee or commission basis.

(7) "Member" shall mean any person included in the membership of the system as provided in Section 3 of this ordinance.

(8) "Service" shall mean service in the employment of and paid for by the city.

(9) "Membership service" shall mean service as a member for which credit is allowable as provided in Section 4, Subsection (1) of this ordinance.

(10) "Creditable service" shall mean total membership service plus any prior service verified by the board pursuant to Section 4, Subsection (2).

(11) "Retirement allowance" shall mean annual payments, payable in monthly installments, continuing to the last payment prior to death.

(12) "Beneficiary" shall mean any person in receipt of a retirement allowance or other benefit as provided by the system.

(13) "Accumulated contributions" shall mean the sum of the balance to a member's credit in the annuity savings account as of December 31, 1968, plus all the amounts deducted thereafter from his compensation and credited to his individual account.

(14) "Earnable compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time. In cases where compensation includes maintenance, the board shall fix the value of that part of compensation not paid in money.

(15) "Average final compensation" shall mean the earnable compensation of a member during the highest 12 consecutive months of the 5 year period immediately preceding his retirement date.

(16) "Equivalent actuarial value" shall mean equal value when computed at regular interest on the basis of the tables last adopted by the board.

(17) "Operative date" shall mean the date the system began operation as provided in Section 2 of this ordinance.

(18) "Investment Trustee" shall mean each of such banks or other recognized advisory service or services that the board of trustees selects. Each investment trustee shall have the powers and duties prescribed by Section 5(A). The board of trustees may terminate the services of any investment trustee upon thirty (30) days' written notice to such trustee, and each trustee may likewise terminate its services upon thirty (30) days' written notice to the board. After receipt of such notice by either party the investment trustee concerned shall make an accounting within forty-five (45) days of the receipt of said notice.

(19) The masculine pronoun shall include the feminine pronoun.

Section 2. Name and Operative Date.

A retirement system is hereby established and placed under the management of the board of trustees and the investment trustee, respectively, of the system for the purpose of providing retirement allowances and other benefits under the provisions of this ordinance for employees of the City of Montgomery. The system shall be a continuation of the retirement system established under Ordinance No. 16-59, as amended prior

to the effective date of this ordinance, as the "Employees' Retirement System of the City of Montgomery," under which name all of its business shall continue to be transacted, all of its funds shall continue to be invested, all warrants for money shall continue to be drawn and all payments made, and all of its cash and securities and other property shall continue to be held as hereinafter provided. The "operative date" of the system shall continue to be the first day of June, nineteen hundred fifty-nine.

Section 3. Membership.

(1) Any person who is a member of the retirement system under Ordinance No. 36-61, as subsequently amended, at the time of the adoption of this ordinance shall be a member of the system and in addition any person becoming an employee thereafter shall become a member of the system as a condition of his employment. Any employee who is elected as a member of the board of commissioners and who is a member of the system at the time of such election may elect to terminate his membership in the system at the time of his election by filing with the board on a form prescribed by the board a notice of his election to terminate his membership in the system, and a duly executed waiver of all prospective benefits which would otherwise inure to him as a member, such notice to be filed not later than the day on which he assumes his duties as a member of the board of commissioners. Any person who is elected as a member of the board of commissioners and who is not a member at the time of his election shall become a member unless he elects in the manner set forth above not to become a member, and, if he has formerly served as an elected commissioner for a time which is insufficient for him to have secured a vested benefit, he may pay into the system such amount as he would have been required to pay into the system had he become a member when first eligible to do so during such prior term, and upon such payment, if any, shall receive credit for such prior service as if it had been creditable service.

(2) The board may, in its discretion and under such rules as it may prescribe, accept as members any class of persons in the service of the city whose compensation is paid other than on a monthly basis, or who are serving on a temporary basis, and it may also, in its discretion, make optional with persons in any such class their individual entrance into membership. Any such person shall be entitled to credit only for service rendered as a member, except that notwithstanding other provisions of this ordinance to the contrary, under such rules as the board may adopt, continuous service preceding the date of membership of such a member during which he was not eligible to become a member may be credited, provided contributions for such service are made by the member and by the city.

(3) Any employee whose membership in the system is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership, but no such employee shall receive credit for service prior to such date, except as provided under Subsection (1) of this section.

(4) It shall be the duty of the commission to submit to the board a statement showing the name, title, compensation, duties, date of birth and length of service of each member, and such information regarding other employees as the board may require, and on the basis thereof the board shall classify each member in one of the following groups:

Group I. General municipal employees.

Group II. Members of the Fire Department and the Police Department of the city, trained in firefighting or police work and actively engaged in such work or subject to call for such services, and the commissioners of said two departments.

Group III. Employees of the City Water Works and of the Sanitary Sewer Board.

Group IV. Employees of the Public Athletic Board.

The board shall certify to the member the group in which he is placed and the date of his admission to membership therein. When the duties of a member so require, the board may classify him in another group and shall certify to him the group to which he has been reclassified, except that no member having 15 or more years of service in one class may be so reclassified.

(5) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should he withdraw his accumulated contributions or die or retire under the provisions of this ordinance, he shall thereupon cease to be a member. Provided, however, that when an employee has withdrawn his accumulated contributions and is again employed by the city within thirty days and again becomes a member of the system within said time, the board may in its discretion allow such employee to repay such accumulated contributions as he has previously withdrawn, and reinstate the prior service previously verified by the board.

(6) Notwithstanding any other provision of this ordinance, any employee eligible to become a member as of the operative date who elected not to become a member as of the said date may thereafter become a member if he or she has remained continuously in the employment of the city in the interim, by making written application to the board and paying to the system an amount equal to the accumulated contributions which would have been creditable to his account as of the date on which he becomes a member, had he elected to become a member as of the operative date. Upon such application and payment in full such person shall become a member and shall be credited with all service with which he would have been credited had he become a member as of the operative date. Such amount when deposited in the system shall become a part of the member's accumulated contributions.

Section 4. Service Creditable.

(1) Each member shall receive membership service credit for all service rendered while a member of the system since he became a member, or since he last became a member in the event of a break in his membership, on account of which contributions are made by the member.

(2) Each member who last became an employee prior to the operative date shall file a detailed statement of all service rendered by him prior to such date for which he claims credit, and of such other facts as the board may require for the proper operation of the system. The board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the board allow credit as service for any period of more than one month's duration during which the employee was absent without pay. The board shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed. When membership ceases other than by retirement, prior service previously verified shall be forfeited, and should the employee again become a member he

shall enter the system as an employee not entitled to prior service, subject to the provisions of Subsections (1) and (5) of Section 3 of this ordinance.

(3) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of his total membership service plus any prior service verified by the board pursuant to Subsection (2) above.

(4) Anything in this ordinance to the contrary notwithstanding, credit for any period of absence due to compulsory service in the armed forces of the United States shall be allowed as service credit as if such service had been service as an employee of the city, provided the employee returns to city service within ninety days after becoming entitled to discharge from the armed forces or within ninety days after hospitalization continuing after discharge for a period of not more than one year.

Section 5. Administration.

A. Investment Trustee.

Each investment trustee shall have the following powers and duties (but no other):

(1) To retain inventoried assets delivered to it by the board so long as such retention appears advisable, including the right to retain investments previously made in its stock, if any, by the board.

(2) To sell, exchange, assign, transfer and convey any security or property, real or personal (whether in the original inventory or acquired by purchase or otherwise), at public or private sale, at such time and price and upon such terms and conditions (including credit) as it may determine.

(3) To invest and reinvest in such stocks, bonds, and other securities and properties as it may deem advisable, including preferred stocks, common stocks, debentures, and unsecured obligations, undivided interests, interests in investment trusts, mutual funds, legal and discretionary common trust funds, and leases and property either inside or outside of Alabama.

(4) To register and carry any property in its own name or in the name of its nominee or to hold it unregistered but without thereby increasing or decreasing its liability as fiduciary.

(5) To vote in person or by proxy any stock or securities held and to grant such proxies and powers of attorney to such person or persons as it may deem proper. The board shall have the power to vote in person or by proxy and stock in each investment trustee.

(6) To consent to and participate in any plan for the liquidation, reorganization, consolidation or merger of any corporation, any stock or security of which is held.

(7) To receive reasonable compensation for its services either out of the fund administered by each Investment Trustee or from the general funds of the City, the amount or method of computation to be agreed upon between the board and each investment trustee.

(8) To receive funds or appropriation from the board or from the city to be held and administered hereunder, and to have custody of all investments delivered to it.

(9) To pay to the board on duly-authorized vouchers such funds as may be required to make current monthly payments of retirement allowances and expenses.

The powers and duties of each investment trustee shall apply from and after its selection by the board and delivery of assets to it, and no investment trustee shall have any duties in reference to or any liabilities for any acts or failures to act which occurred prior thereto.

B. Board of Trustees.

(1) Except for the powers and duties prescribed for the investment trustee, the general administration and the responsibility for the proper operation of the system and for making effective the provisions of this ordinance are hereby vested in the board of trustees of the system.

(2) The board shall consist of seven trustees, as follows:

(a) The President of the board of commissioners, ex officio.

(b) Four trustees, to be appointed by the board of commissioners from the membership, one who is an employee in the Police Department, one who is an employee in the Fire Department, one who is classified as a general municipal employee and one who is an employee of the City Water Works or the Sanitary Sewer Board. The first four trustees so appointed shall be appointed for terms of one, two, three and four years, respectively. The terms of office of succeeding trustees so appointed shall be four years.

(c) Two trustees, to be appointed by the board of commissioners, who may or may not be members. The first two trustees so appointed shall be appointed for terms of one and two years, respectively. The terms of office of succeeding trustees so appointed shall be two years.

(3) If a vacancy occurs in the office of a trustee, the vacancy shall be filled for the unexpired term in the same manner as the office was previously filled.

(4) The trustees as such shall serve without compensation.

(5) Each trustee shall, within ten days after his appointment, take an oath of office.

(6) Each trustee shall be entitled to one vote in the board. Four concurring votes shall be necessary for a decision by the trustees at any meeting of the board, and four trustees shall constitute a quorum of the board.

(7) Subject to the limitations of this ordinance, the board shall, from time to time, establish rules and regulations for the administration of the system and for the transaction of its business, including uniform standards for determining who are "employees" within the meaning of this ordinance.

(8) The board shall elect from its membership a chairman and a vice chairman, and shall appoint a secretary who may or may not be a member of the board. The board may employ personnel for secretarial and other service as shall be required.

(9) The board shall keep in convenient form such data as shall be necessary for actuarial valuation of the system and for checking the experience of the system.

(10) The board shall keep a record of all its proceedings, which shall be open to public inspection. It shall submit to the commission, annually, a report showing the fiscal transactions of the system for the preceding year, the amount of the accumulated cash and securities of the system, and the last balance sheet indicating the financial condition of the system as shown by an actuarial valuation of the assets and liabilities of the system.

C. Legal Adviser.

The City Attorney shall be the legal adviser of the board.

D. Medical Board.

The board shall designate a Medical Board of one, two or three physicians who are not eligible to participate in the system. The Medical Board shall arrange for and pass upon all medical examinations required under the provisions of this ordinance, shall investigate all essential statements and certificates by or on behalf of a member in connection with application for disability retirement, and shall report in writing to the board its conclusions and recommendations upon all the matters referred to it.

E. Duties of Actuary.

(1) The board shall designate an actuary who shall be the technical adviser of the board on matters regarding the operation of the system and who shall perform such other duties as are required in connection therewith.

(2) The board shall certify from time to time the rates of contribution payable by the city under the provisions of this ordinance, and shall adopt for the system from time to time such mortality, service and other tables as shall be deemed necessary, and on the basis of such tables and the interest rate adopted by the board for the purpose of determining the city's contributions to the system, the actuary shall make annually an actuarial valuation of the assets and liabilities of the system. At least once in each five-year period the board shall cause an actuarial investigation to be made into the mortality, service and compensation experience of the members and beneficiaries of the system.

Section 6. Benefits.

(1) Service Retirement Allowance.

(a) The minimum service retirement age shall be, for a member in Groups I, III or IV, the age at which he completes 20 years of creditable service or age 65, whichever occurs first. The minimum service retirement age shall be, for a member in Group II, the age at which he completes 20 years of creditable service or age 62. Any member in service who has attained his minimum service retirement age shall be retired by the board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service. Such member shall be entitled to such retirement allowance whether he voluntarily separates from service or is dismissed for cause or for any other reason. In the event such member is dismissed for cause or for any other reason he shall be entitled to make application for and receive the retirement allowance hereinabove provided for upon his giving the written notice herein mentioned.

(b) Any member in service in Groups I, III or IV who has attained age seventy-two shall be retired forthwith by the board on a service retirement allowance; provided that upon the request of his department head, approved by the commission and the board a member who has attained age seventy-two may be permitted to continue in active service for a period of one year as the result of each such request. However, in no event shall any member be continued in active service after he has attained age seventy-five, except that the compulsory retirement age shall not be applicable to an official elected by vote of the people or to employees appointed other than through the personnel system. Notwithstanding an extension of a member's service after he has attained age seventy-two, such a member shall be retired by the board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

(c) Any member in service in Group II who has attained age sixty-two shall be retired forthwith by the board on a service retirement allowance; provided that upon the request of his department head, approved by the commission and the board, a member who has attained age sixty-two may be permitted to continue in active service for a period of one year as the result of each such request. However, in no event shall any member be continued in active service after he has attained age sixty-five, except that the compulsory retirement age shall not be applicable to an official elected by vote of the people; provided, that if a Group II member was a member on the effective date of this ordinance and on that date had attained age sixty-five, he may, on application to and with approval of the board, remain in service for a period not in excess of one year from said effective date. Notwithstanding an extension of a member's service after he has attained age sixty-two, such a member shall be retired by the board on a service retirement allowance upon his written application setting forth at what time not less than thirty nor more than ninety days next following the execution and filing thereof he desires to be retired.

(d) The service retirement allowance of a member in Groups I, III or IV shall be 2% of his average final compensation multiplied by the number of years of his creditable service not in excess of 20 plus 1% of such compensation for each year of creditable service in excess of 20 years, subject to a maximum of 60% of average final compensation.

(e) The service retirement allowance of a member in Group II shall be 2-½% of his average final compensation multiplied by the number of years of his creditable service not in excess of 20 years plus 1% of such compensation for each year of creditable service in excess of 20 years, subject to a maximum of 60% of average final compensation.

(2) Disability Retirement Allowance.

(a) Any member in service who has had 5 years or more of creditable service may be retired for disability upon application of such member of the commission upon recommendation of the head of the division in which the member is employed, provided he meets the following requirements:

(i) The Medical Board after medical examination of such member shall certify that he is mentally or physically incapacitated for the further performance of duty; that such incapacity is likely to be permanent; and that the member should be retired for physical or mental disability.

(ii) The disability did not result from service in the armed forces of the United States, chronic alcoholism, addiction to narcotics, intentionally self-inflicted injuries, or injuries received while committing a felony.

(iii) He is not receiving or has not received any payments for such disability from the city under workmen's compensation or any other type of employer-provided payment for disability; provided however, that in the event such employee is entitled to any other such benefits from the city or any of its boards he may elect by filing with the board up to the time of the commencement of such benefits, his choice of the two benefits. In the event he chooses not to accept benefits under the system he shall withdraw his accumulated contributions in a lump sum.

(b) The disability retirement allowance shall be computed as a service retirement allowance on the basis of his average final compensation and creditable service at disability retirement.

(c) Should such a member become disabled under circumstances which fail to meet the requirements set forth in (i), (ii), (iii) of Subsection (2) (a) above, he may elect in lieu of a return of his accumulated contributions as provided under Subsection (4) (a) of this section, to receive a deferred retirement allowance commencing at such time as he would be eligible to receive a service retirement allowance.

(3) Vesting Retirement Allowance.

(a) Should any member be or have been involuntarily separated from service for any cause other than fault or delinquency on his part after having completed five or more years of creditable service, he may elect in lieu of a return of his accumulated contributions as provided under Subsection (4) (a) of this section, to receive a deferred retirement allowance commencing twenty years from the beginning of creditable service with the city or age 50, whichever occurs first. Failure of re-election of a member elected by vote of the people shall not be construed as fault or delinquency on the part of such member.

(b) The vesting retirement allowance shall be computed as a service retirement allowance on the basis of the member's average final compensation and creditable service at separate from service.

(c) Notwithstanding the foregoing, the member may at any time prior to the commencement of his vesting retirement allowance revoke such election and receive in lieu of all benefits the amount of his accumulated contributions. In the event of the death prior to the commencement of the vesting retirement allowance of a member who has made the election provided for herein, the amount of his accumulated contributions shall be paid under the provisions of Subsection (4) (b) of this section in lieu of any other benefit provided for in this section.

(4) Return of Contributions.

(a) Should a member cease to be an employee for any reason other than death or retirement under the provisions of this ordinance, he shall be paid on demand his accumulated contributions.

(b) Upon the receipt of proof, satisfactory to the board, of the death of a member, his accumulated contributions shall be paid to such person, if any, as he shall have nominated by written designation duly acknowledged and filed with the board if such person survives him, otherwise to the estate of the member.

(5) Re-Examination of Beneficiaries Retired on Account of Disability.

(a) The board may at any time and as often as it sees fit, not in excess of once in each 12 months, require any disability beneficiary to undergo a medical examination if he has not yet attained his minimum service retirement age, such examination to be made at the place of residence of such beneficiary, the office of a physician selected by the board, or other place mutually agreed upon. Should any disability beneficiary refuse to submit to such medical examination his retirement allowance may be discontinued by the board until his withdrawal of such refusal, and should his refusal continue for over one year, all his rights in and to that portion of his retirement allowance which is provided by the contributions of the city may be revoked by the board.

(b) In the event a member retired on a disability retirement allowance secures gainful employment paying more than the difference between his retirement allowance and his average final compensation, then the amount of his retirement allowance shall be reduced to an amount which, together with the amount earnable by him, shall equal the amount of his average final compensation but, in no event, to an amount less than the portion of his allowance provided by his accumulated contributions. Should his earning capacity be later changed, the amount of his retirement allowance may be further modified in like manner. Any member retired on a disability allowance shall advise the board of any gainful employment. The board may make such investigation at any time in reference to any gainful employment of any retired beneficiary, up to the time he attains his minimum service retirement age, and such beneficiary shall answer any questions and furnish information, including copies of federal income tax returns, as the board may require.

(6) Restoration of Beneficiaries to Membership.

Should a disability beneficiary be restored to or be in service at a compensation equal to or greater than his average final compensation at retirement, or should any other beneficiary be restored to service, his retirement allowance shall cease, any election of an optional benefit shall become void, he shall again become a member of the system and shall contribute thereafter at the then prevailing rate. An amount equal to the actuarial reserve held for the part of his retirement allowance provided by his contributions shall be credited to him as accumulated contributions. Any creditable service to which he was entitled when he retired shall be restored to him, and upon subsequent retirement his retirement allowance shall be based on his compensation and creditable service before and after the period of prior retirement; provided that if he does not complete three years of creditable service after his restoration to service, the part of his retirement allowance upon subsequent retirement payable with respect to creditable service rendered before the period of his previous retirement shall be equal to his previous retirement allowance with all of the provisions of any option restored, if one was elected, with respect to such part of his retirement allowance.

(7) Optional Allowances.

Until the date of his retirement and, in the case of a member eligible for a vesting retirement allowance, the date as of which such allowance is to commence, any member may elect to convert the retirement allowance otherwise payable to him into a modified retirement allowance of equivalent actuarial value in accordance with one of the optional forms named below. Such election shall become effective on the member's retirement date or the date as of which his vesting retirement allowance is to commence, as the case may be.

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Option 1. A reduced retirement allowance payable during the life of the retired member, with the provision that if he dies before he has received in payments of his allowance the amount of his accumulated contributions at the time of his retirement, the balance of such amount shall be paid to such persons, if any, as he shall have nominated by written designation duly acknowledged and filed with the board if such person survives him, otherwise to the retired member's estate; or

Option 2. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board at the time of retirement; or

Option 3. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly acknowledged and filed with the board at the time of retirement; or

Option 4. A reduced retirement allowance payable during the life of the retired member, with the provision that upon his death some other benefit shall be payable, provided that the total value of the allowance during his life and the succeeding benefit shall be computed to be of equivalent actuarial value to the retirement allowance which he would receive without optional modification and provided that the benefit shall be approved by the board.

(8) Preservation of Benefits Accrued Under the System Prior Hereto.

Anything herein contained to the contrary notwithstanding, the retirement allowance payable under the system to a member immediately prior to the effective date of this ordinance, who continued without a break in membership to his retirement date or termination of employment entitling him to a benefit hereunder, shall not be less than the benefit which would otherwise be payable to him under the system as in effect prior to the system as in effect prior to the effective date of this ordinance, based on his creditable service to and his compensation earned prior to paid date.

Section 7. Method of Financing.

All of the assets of the system shall be credited, according to the purpose for which they are held, among three accounts, namely, the Members' Account, the Accumulation Account and the Expense Account.

(1) Members' Account.

(a) The Members' Account shall be the account in which shall be held the accumulated contributions of members.

(b) The board shall cause to be deducted from the compensation of each member on each and every payroll for each and every payroll period 6% of his earnable compensation. In determining the amount earnable by a member in a payroll period, the board may consider the rate of compensation payable to such member on the first day of a payroll period as continuing throughout the payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period, and to facilitate the making of deductions it may modify the de-

duction required of any member by such an amount as shall not exceed one-tenth of one per centum of the annual compensation upon the basis of which such deduction is made.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this ordinance.

(d) The proper authority or officer responsible for making up the payroll shall certify to the board the amounts deducted on each and every payroll, and each of such amounts shall be paid into the Members' Account and credited to the individual account of the member from whose compensation the deduction was made.

(e) The accumulated contributions of a member paid upon his death or withdrawn by him, as provided in this ordinance, shall be paid from the Members' Account. Upon the retirement of a member, his accumulated contributions shall be transferred from the Members' Account to the Accumulation Account.

(2) Accumulation Account.

(a) The Accumulation Account shall be the account in which shall be accumulated all contributions made by the city to provide benefits under the system and from which shall be paid all retirement allowances and other benefits under the system, other than those payable from the Members' Account.

Regular Contributions by the City.

(b) On account of each member there shall be paid annually into the Accumulation Account a certain percentage of the compensation of each member to be known as the "normal contribution," and an additional percentage of his compensation to be known as the "accrued liability contribution." The rates per centum of such contribution shall be fixed on the basis of the liabilities of the system as shown by actuarial valuation.

(c) The normal rates of contribution shall be determined after each actuarial valuation. During the period over which the accrued liability contributions are payable, the normal rates of contribution shall be determined, on the basis of regular interest and the tables last adopted by the board, as the uniform and constant percentages of the compensation of the average new entrant Group I, Group III or Group IV member, or Group II member, as the case may be, which, if contributed on the basis of the prospective compensation of such new entrant throughout his entire period of active service, would be sufficient to provide for the payment of the portion of any retirement allowance or other benefit payable on his account not provided by his own contributions. After the accrued liability contributions have ceased to be payable, the normal contribution rate shall be the rate per centum of the compensation of all members obtained by deducting from the total liabilities of the Accumulation Account the amount of the funds in hand standing to the credit of the Accumulation Account, and dividing the remainder by one per centum of the present value of the future compensation of all members, as computed at regular interest on the basis of the tables last adopted by the board.

(d) Immediately succeeding the valuation as of December 31, 1968, the accrued liability contribution rates shall be computed as the rate per centum of the total annual compensation of all Group I, Group III and Group IV members, or Group II members, as the case may be, which is equivalent to 4- $\frac{3}{4}$ % of the amount of the total liabilities of the Accumulation Account on account of such members and their beneficiaries in excess of the funds in hand held on their account in the Accumulation Account, which is not dischargeable by the aforesaid normal contributions made on account of such members during the remainder of their active service.

(e) The total amount payable by the city in each year to the Accumulation Account shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate, of the total compensation of all members in Groups I, III and IV and in Group II, respectively, during the preceding year; provided, however, that the amount of each annual accrued liability contribution shall be at least 3% greater than the preceding annual accrued liability contribution, and that the aggregate payment shall be sufficient, when combined with the amount in the account, to provide the retirement allowances and other benefits payable to members and beneficiaries during the year then current.

(f) The accrued liability contributions shall be discontinued as soon as the amount of the funds standing to the credit of the Accumulation Account shall equal the present value, as actuarially computed and approved by the board, of the total liabilities of the account on account of all members and beneficiaries less the present value of the normal contributions to be received at the normal rates then in force on account of persons who are at that time members.

Interest.

(g) All interest and dividends earned on the funds of the system shall be credited to the Accumulation Account.

(h) Regular interest shall mean interest at the per centum rate or rates compounded annually as shall be determined by the board from time to time, limited to a minimum of 2% and a maximum of 5%.

Benefits Payable from Accumulation Account.

(i) All retirement allowances to beneficiaries, and benefits in lieu thereof, shall be paid from the Accumulation Account.

(3) Expense Account.

The Expense Account shall be the account to which shall be credited all money provided by the city to pay the administration expenses of the system, and from which shall be paid all the expenses necessary in connection with the administration and operation of the system.

(4) Appropriations.

On or before the first day of August of each year the board shall file with the commission its certification of the amount of the appropriation necessary to pay the normal and accrued liability contributions to the retirement fund for the ensuing year, and the amount of appropriation required to cover the expenses necessary in connection with the administration and operation of the system, and such amounts shall be included in the budget, in accordance with legal budget procedure.

Section 8. Management of Funds.

(1) Investments shall be managed by the investment trustee. The board shall otherwise manage the system.

(2) The board shall designate one of its members, with an appropriate bond, or a bank or trust company, to be the custodian of the funds of the system other than those in the possession of the investment trustee. All payments from such funds of the system shall be made only upon regular vouchers signed by two persons designated by the board. A duly attested copy of a resolution of the board designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the custodian as his authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the board.

(3) For the purpose of meeting disbursements for retirement allowances and other payments there shall be kept on deposit available cash in an amount to be determined from time to time by the board. The board shall notify the investment trustee in writing of the amount determined by the board to be desirable. No voucher shall be drawn unless it shall have been previously authorized by resolution of the board.

(4) Except as otherwise herein provided, no member nor employee of the board shall have any direct or indirect interest in the gains or profits of any investment made by the board or the investment trustee, nor as a member of the board receive any pay or emolument for his services. No member nor employee of the board shall, directly or indirectly, for himself or as an agent in any manner use the same, except to make such current and necessary payments as are authorized by the board.

Section 9. Member Disqualified If Receiving Other City Payments.

Anything in this ordinance to the contrary notwithstanding, any person who receives benefits directly from the city or from the funds of the city or from any board or commission connected with the city, for any disability, shall receive no retirement benefits or disability benefits under this system, but shall be entitled to a return of his accumulated contributions.

Section 10. Return of Contributions.

Wherever in this ordinance provision is made for return of contributions of a member, such return shall be made without payment of interest for the period subsequent to December 31, 1968.

Section 11. Assignments Prohibited.

The property and funds of the system, the contributions of members deducted from their compensation, the right of a person to a retirement allowance or other benefit, and any other right accrued or accruing to any person under the provisions of this ordinance and the moneys in the accounts created by this ordinance shall not be subject to taxation by the city nor by the State of Alabama, not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law or any other process of law whatsoever to satisfy any debt or liability of any member, and shall be unassignable except as in this ordinance specifically provided.

Section 12. Protection Against Fraud.

Whoever with intent to deceive shall make any statements or reports required under this ordinance which are untrue, or shall falsify or permit to be falsified any record or records of this system shall be fined

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not to exceed one hundred dollars, or imprisoned not to exceed six months, or both.

Section 13. Errors.

Should any change or error in the records result in any member or beneficiary receiving from the system more or less than he would have been entitled to receive had the records been correct, the board shall have the power to correct such error, and as far as practicable, to adjust the payments in such manner that benefits of equivalent actuarial value to the benefit to which such member or beneficiary was correctly entitled shall be paid.

Section 14. General Conditions.

(1) The commission shall have the continuing right and power to amend or supplement this ordinance at any time, which right and power is hereby expressly reserved, but no amendment shall be adopted which will reduce the then accrued benefits of employees or beneficiaries below the extent they are then covered by accumulated reserves, which reserves shall constitute a trust fund for the payment of such benefits.

(2) All provisions of any ordinance inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

(3) If any section or part of any section of this ordinance is declared to be unconstitutional, the remainder of the ordinance shall not thereby be invalidated.

Section 15. Effective Date.

The operation of this act shall be retroactive to May 1, 1969, and all actions taken and payments made pursuant thereto on or after that date are ratified and confirmed.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. T. Johnson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Montgomery Independent, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19 and June 26, all in the year 1975.

W. T. JOHNSON.

Sworn to and subscribed before me June 30, 1975.

SUSAN WARD JOHNSON,
Notary Public.

Also:

By Messrs. Baker and McDonald (S):

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the Board of Equalization, so as to increase said allowance for the members of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), is hereby amended to read as follows:

"Section 1. The members of the DeKalb County Board of Equalization shall be paid ten dollars (\$10.00) per diem for each day's attendance upon the sessions of the board. In addition to the compensation provided by Sections 94 and 95, Title 51, Code of Alabama 1940, as amended. The additional per diem pay herein provided shall be paid in monthly installments on order of the chairman of the county governing body out of the county general funds."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE.
Notary Public.

My commission expires September 7, 1977.

Also:

By Messrs. Baker and McDonald (S):

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents

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of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To create the Scholarship and Loan Commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Scholarship and Loan Commission of DeKalb County, which shall consist of one medical doctor, one dentist, one pharmacist, the chairman of the county governing body, one mayor, one lawyer, and two members of the general public. All of the members of the commission shall be residents of DeKalb County and shall be appointed by and serve at the pleasure of the county governing body, and shall serve without pay.

Section 2. It shall be the duty of the commission to review applications from college students whose primary residence is DeKalb County, and who intend to pursue a career in medicine. After careful screening of applicants, the commission is empowered to offer loans or full scholarships with a written requirement that after completion of training, the individual will practice medicine in DeKalb County for a specified number of years.

Section 3. The county governing body may establish a fund for the purpose of carrying out the intent of this Act, and may contribute from the general fund of the county, an amount of money to be determined by them. This fund shall be invested and disbursed by the commission for the purposes of this Act.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not effect the part which remains.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4 and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE.
Notary Public.

My commission expires 9-7-77.

Also:

By Messrs. Baker and McDonald (S):

S. 877. To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 2 of Act No. 218, H. 708, 1973 Regular Session (Acts 1973, p. 252) is hereby amended to read as follows:

"Section 1. When used in this Act:

"A. The phrase 'routine maintenance' shall mean and include scraping, blading, ditching, resurfacing, spot cherting, repair damaged bridges, planting grass on right of way, install or replace tile for drainage.

"B. The phrase 'betterment projects' shall mean and include new paving, grade drain and temporary surface, striping and new bridge construction.

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"Section 2. The authority and responsibility of the designation and setting up of betterment projects for roads and bridges in DeKalb County is hereby vested in the county commission or the governing body of DeKalb County. The authority and responsibility for routine maintenance shall remain with the state highway director by and through the district engineer for DeKalb County. No money shall be spent for betterment projects for roads and bridges in DeKalb County except as authorized by the DeKalb County Commission as provided herein by resolution duly adopted and spread upon the minutes of meeting of the governing body of DeKalb County. The final approval of betterment projects in DeKalb County shall be with the state highway director who shall have the power to veto any particular project on the ground that it does not serve the public interest or public needs or does not serve a sufficient amount of traffic to justify the expenditure. No betterment project shall be commenced until all the requirements of Section 3 of this act have been met.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Messrs. Baker and McDonald (S):

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County: providing for the salary of the chairman of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the DeKalb County governing body shall receive a salary of \$15,000 per year. Said salary shall be payable from the general funds of the county in the manner prescribed by law and shall become effective upon the expiration of the term of office of the incumbent chairman of the county governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Mr. Baker:

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Regulating nighttime hunting in DeKalb County, authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

Be It Enacted by the Legislature of Alabama:

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Section 1. It shall be unlawful in DeKalb County, except as to trapping as otherwise provided by law, for any person to take, capture or kill or attempt to take, capture or kill any bird or animal protected by the laws of this state between sunset and daylight of the following day. Provided, however, the director of conservation shall have the authority, by a duly promulgated regulation, to allow the taking, catching or killing of raccoons and o'possums between sunset and daylight in DeKalb County. Provided, further that if the taking, catching or killing of raccoons and o'possums is permitted during said nighttime hours in DeKalb County by regulations of the director of conservation, such animals may only be legally taken with the use a light and/or shotgun using shot no larger than number eight, or a .22 caliber rim fire rifle, and the person or persons so hunting must be accompanied by a dog or dogs, and if hunting on the lands of another they must have the written permission of the landowner. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offense and at the discretion of the court may be imprisoned in the county jail for a period not to exceed six months.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Messrs. Baker and McDonald (S):

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The several members of the DeKalb County Commission or other like governing body shall next be elected at the general election in 1978. Those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve on said commission or other like governing body until their successors are elected and qualified.

Section 2. All laws or parts of laws in conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Messrs. Baker and McDonald (S):

S. 881. To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such

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position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF DeKALB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment may be filled January 1 of the following year.

Be It Enacted by the Legislature of Alabama:

Section 1. No position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year. The intent of this act is to prohibit lame duck appointments and to preserve the right of an incoming commission to appoint members of boards and agencies.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DeKALB

Before me, the undersigned authority in and for said County in said State, this day personally appeared Doris Carter, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher/Editor of the Tri-County Rural News, a newspaper of general circulation published in DeKalb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 21, May 28, June 4, and June 11, all in the year 1975.

DORIS CARTER.

Sworn to and subscribed before me June 13, 1975.

ORA LEE MINCE,
Notary Public.

My commission expires 9-7-77.

Also:

By Mr. McDonald (A):

S. 953. Relating to the City of Huntsville; to provide for the election by popular vote of the City Board of Education and for a time or date when such members of the board of education shall take office.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Huntsville; to provide for the election by popular vote of the City Board of Education and for a time or date when such members of the board of education shall take office.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The members of the City Board of Education of the City of Huntsville shall continue to serve their present term of office until the midnight of the day preceding the first Monday in October 1976, except for members holding places number 1 and number 2, as provided for in subsection (b), who will continue their present term of office until the day preceding the first Monday in October 1978, and shall be replaced with the board of education as herein provided for. Said board shall have all the powers, duties, rights and immunities otherwise provided by law for city boards of education in the State of Alabama. (b) The members of the board of education who run for places number 4, number 5 and number 6, shall be elected in the year 1976 and every four years thereafter as herein provided. The board of education shall consist of five places, and such places shall be designated and numbered as follows, to-wit:

"Member, Board of Education, Place No. 1;

Member, Board of Education, Place No. 2;

Member, Board of Education, Place No. 3;

Member, Board of Education, Place No. 4;

Member, Board of Education, Place No. 5.

"A person seeking election and qualifying as a candidate for election as a member of said board shall designate by number the place on such board for which he is a candidate, and it shall be so stated on the ballot. (c) All members of the boards of education herein provided for shall be elected from the city at large, and no person shall be a candidate or be permitted to file his statement of candidacy for more than one of such places. No ballot shall be counted for any candidate except for the place or number for which he announced in his statement of candidacy. The city governing body shall provide for the holding of elections authorized herein and for the payment of the expenses of such elections. (d) Members of the board of education shall be elected on the 1st Tuesday next

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after the first Monday in September. The terms of the members of said board of education shall be four years. The successors of the members elected to Place No. 1 and Place No. 2 shall be elected on the first Tuesday next after the first Monday in September in the year 1978. The successors of the members of the board elected to Place No. 3, Place No. 4, and Place No. 5 shall be elected on the first Tuesday next after the first Monday in September in the year 1980. Any candidate who receives a majority of all votes cast for all candidates seeking election to the position for which he is a candidate shall be declared elected to that position. In the event no candidate receives a majority of all the votes cast for any one or more positions on the board of education, the governing body of the city shall order a second or run-off election to be held on the last Tuesday in September following, at which election the two candidates receiving the most votes for the office in the first election shall be the candidates, and the person receiving the highest number of votes in the second or run-off election shall be declared elected. In the event of a tie vote between the candidates in such run-off election, the then serving governing body of the city shall immediately decide the election by majority vote. (e) The method and dates for qualifying as a candidate for city boards of education provided for hereunder and the conduct of elections hereunder shall be the same as other municipal elections in the same cities, except that each candidate shall pay a qualifying fee of \$50.00 (f) The first members of any boards of education elected hereunder shall take office on the first Monday in October in the year of their election. (g) Candidates for boards of education shall be qualified electors in the city in which they seek election and shall in no way be subject to the authority of the board. (h) In the event a vacancy in the membership of a board of education subject to the provisions of this act the city council or commission shall, by majority vote, elect a person to fill such vacancy for the unexpired term; and any person so elected shall take office at the next regular meeting of the board of education to which elected."

Section 2. Each member of the board of education elected under the provisions of this act shall receive compensation of \$100.00 per month paid from the city school fund in the manner provided for paying compensation out of such school funds.

Section 3. Except as herein provided the board of education shall in all respects be governed by the general law relative to city boards of education.

Section 4. The provisions of this act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at

Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 30, July 7, 14 and 21, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 21 day of July, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 952. Local Legislation No. 4.
- S. 861. Local Legislation No. 4.
- S. 875. Local Legislation No. 1.
- S. 876. Local Legislation No. 1.
- S. 877. Local Legislation No. 1.
- S. 878. Local Legislation No. 1.
- S. 879. Local Legislation No. 1.
- S. 880. Local Legislation No. 1.
- S. 881. Local Legislation No. 1.
- S. 953. Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Clemon, McMillan and Pearson:

S. 634. To amend the Title and Articles 1.07, 3.01, 3.02, 3.04, 3.07 and 3.09 of Act No. 452, H. 974, page 1004, Regular Session of the Legislature of Alabama of 1955, as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent census, so as to provide for the election of councilmen from districts.

Also:

By Mr. Littleton:

S. 932. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Chilton County; and to fix and regulate the costs and charges of courts.

Also:

By Messrs. Gilmore, Vacca, Pearson, McMillan and Clemon:

S. 905. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide

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by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Also:

By Mr. Shelby:

S. 654. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Also:

By Mr. Littleton:

S. 928. Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHILTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following officers of Chilton County shall be entitled to receive compensation as follows:

- (a) The judge of probate, an annual salary of \$21,000
- (b) The tax assessor, an annual salary of \$15,000
- (c) The tax collector, an annual salary of \$15,000
- (d) The clerk of the circuit court, an annual salary of \$18,000
- (e) The register of the circuit court, an annual salary of \$7,200

Such salaries shall be paid in lieu of all other compensation heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

Section 2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate, tax assessor, tax collector, clerk of the circuit court and register of circuit court, hereafter shall be collected and paid into the general fund of the county.

Section 3. The governing body of Chilton County shall provide each of the above officers with such office personnel, clerks, deputies, and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of their respective offices. Compensation of any personnel so provided shall be fixed by said governing body and shall be paid in equal monthly installments out of the general fund of the county.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective on the first day of the first month beginning after the ratification of an amendment to the Constitution of Alabama authorizing the Legislature to so regulate the compensation of such officers; provided that a majority of the qualified electors of Chilton County, voting in such constitutional amendment election approved the adoption of the amendment. If the vote in Chilton County on such amendment is not favorable thereto, then this act shall have no force or effect. Provided further, should there be constitutional or statutory prohibitions preventing any of these public officers named herein from receiving such prescribed compensation as of such date, the provisions of this act shall become effective as to them immediately following the date upon which such prohibition expires.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CHILTON

Personally appeared before the undersigned, a Notary Public in and for said County and State, Bob Tucker, Publisher of CHILTON COUNTY NEWS, a newspaper published at Clanton, County of Chilton, State of Alabama, who being duly sworn, states on oath that the advertisement, a True Copy of which is hereto attached, was published in said newspaper in its issues of: 5 day of June, 1975; 12 day of June, 1975; 19 day of June, 1975; 26 day of June, 1975.

BOB TUCKER,
Publisher.

Subscribed and sworn to before me this 26th day of June, 1975.

PLUMA B. MUNCY,
Notary Public.

Also:

By Mr. McDonald (S):

S. 535. Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

With notice and proof thereto attached and herewith exhibited as follows:

PROPOSED LEGISLATION

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge in Marshall County, may with the approval of the county governing body, issue motor vehicle license tags by mail, using the United States Post Office, or its successor, upon the written application of a resident-owner of such motor vehicles signed by such owner requesting the judge of probate to issue the same by mail.

Section 2. The judge of probate issuing motor vehicle license tags under the provisions of this act shall collect, prior to issuing the same, all taxes, fees and other charges as may be required by law to be collected by the judge of probate, tax collector, or such other charges on motor vehicles and motor vehicle license tags, and he shall remit the same to such official charged by law with the duty of collecting such taxes, fees and other charges for distribution in accordance with law; and in addition thereto the judge of probate shall collect a handling and mailing fee in such amount as the county governing body may deem necessary to cover the county's expenses involved in providing this mail order service. The judge of probate shall pay this handling and mailing fee into the county treasury to the credit of the general fund.

Section 3. All costs of such mailing service conducted under the provisions of this act shall be paid by the county governing body, including forms, supplies, postage and such clerical help as might be required.

Section 4. The judge of probate issuing license tags under the provisions of this act shall be authorized to sign the assessment sheet or such other tax form as might be necessary on behalf of the taxpayer and such taxpayer shall be bound thereby as if he had signed the same in person.

Section 5. Any motor vehicle owner making written request for mail services under the provisions of this act shall be deemed to have appointed the United States Post Office Department, or its successor, as his agent for purposes of delivery of such license tag, and the license tag shall be presumed to have been issued to the applicant on delivery, postage prepaid, to a United States Post Office, or its successor, by the judge of probate issuing the same.

Section 6. The judge of probate electing to issue motor vehicle license tags under the provisions of this act may prescribe such rules and regulations for application of such license tags as he may deem reasonably necessary and may also issue notices to prior year motor vehicle licensees by mail with prepared application forms stating the amount of taxes, fees and other charges due.

Section 7. The provisions of this act are permissive and shall not be construed to require the judge of probate to issue motor vehicle license tags by mail, nor shall it be construed to require the county governing body to approve the issuance of motor vehicle license tags by mail.

PUBLISHER'S AFFIDAVIT

Proposed Legislation—A bill to be entitled an Act allowing the Probate Judge of Marshall County to Collect for & deliver Auto tags by mail.

Before the undersigned authority personally appeared Porter Harvey who being first duly sworn deposes and says that he is a representative of the GUNTERVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated Mar. 6, 13, 20, 27, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A"; that the charge for such publication is 106.76 paid which

PORTER HARVEY.

Subscribed and sworn to before me this 29th day of May, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. Littleton:

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHILTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts p. 480) and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Chilton County may appoint a total of nine deputies, including a chief deputy, an assistant chief deputy, and a special investigator who shall serve at the pleasure of the sheriff and shall perform such duties as the sheriff may direct. Before entering upon their duties, all such deputies shall make bond payable to the sheriff in the sum of \$2,000.00 conditional as required by Code of Alabama 1940, Title 41, Section 35.

Section 2. The salaries of all deputies shall be paid in equal monthly installments from the general fund of Chilton County or may be paid in whole or in part from the county highway and traffic fund at the

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direction of said county governing body. The chief deputy shall receive, as a regular salary, not less than \$7,800.00 nor more than \$11,400.00 per year. The assistant chief deputy and the special investigator shall each receive, as regular salaries, not less than \$5,400.00 nor more than \$9,600.00 per year; and all regular deputies shall receive not less than \$4,800.00 nor more than \$9,000.00 per year. The salaries for the chief deputy sheriff, assistant chief deputy sheriff, special investigator, and regular deputies within the above-designated schedule shall be determined by the Sheriff of Chilton County upon the qualifications, experience, length of service, and abilities of said deputies.

Section 3. The county governing body shall provide the sheriff with such quarters, equipment, supplies, and clerical help as deemed necessary for the sheriff to efficiently and properly conduct the duties and affairs of his office. The clerical employees in the office of the sheriff of Chilton County shall be paid at the same pay rate as are other similar county-paid clerical employees.

Section 4. The sheriff shall receive, in addition to his present compensation, an expense allowance of \$2,400.00 per annum which shall be paid each month from the funds of Chilton County, Alabama. In the event the Sheriff is required to use his personal automobile in the performance of his duties as sheriff of Chilton County, Alabama, he shall be compensated in the sum of not less than ten cents per mile for each mile traveled in the performance of his duties.

Section 5. Any Federal law which provides for overtime pay or other compensation for law enforcement officers will not be affected by this act, even though deputies may be drawing their maximum regular salaries as designated in Section Two of this Act.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed, and Act No. 340, H. 981, Regular Session 1973 (Acts 1973, p. 480) is hereby expressly repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHILTON

Personally appeared before the undersigned, a Notary Public in and for said County and State, Bob Tucker, Publisher of CHILTON COUNTY NEWS, a newspaper published at Clanton, County of Chilton, State of Alabama, who being duly sworn, states on oath that the advertisement, a True Copy of which is hereto attached, was published in said newspaper in its issues of: 5 day of June, 1975; 12 day of June, 1975; 19 day of June, 1975; 26 day of June, 1975.

BOB TUCKER,
Publisher.

Subscribed and sworn to before me this 26th day of June, 1975.

PLUMA B. MUNCY,
Notary Public.

Also:

By Mr. Littleton:

S. 943. To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CHILTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Court reporter of the Court of Law and Equity in Chilton County shall be entitled to receive an expense allowance of one hundred dollars (\$100) per month payable in monthly installments out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHILTON

Personally appeared before the undersigned, a Notary Public in and for said County and State, Bob Tucker, Publisher of CHILTON COUNTY NEWS, a newspaper published at Clanton, County of Chilton, State of Alabama, who being duly sworn, states on oath that the advertisement, a True Copy of which is hereto attached, was published in said newspaper in its issues of: 26 day of June, 1975; 3 day of July, 1975; 10 day of July, 1975; 17 day of July, 1975.

BOB TUCKER,
Publisher.

Subscribed and sworn to before me this 18th day of July, 1975.

PLUMA B. MUNCY,
Notary Public.

Also:

By Mr. Littleton:

S. 931. To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

With notice and proof thereto attached and herewith exhibited as follows:

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STATE OF ALABAMA
COUNTY OF CHILTON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the Court of Law and Equity in Chilton County shall be entitled to receive an expense allowance of two hundred dollars (\$200) per month, payable in monthly installments out of the general fund of the county.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHILTON

Personally appeared before the undersigned, a Notary Public in and for said County and State, Bob Tucker, Publisher of CHILTON COUNTY NEWS, a newspaper published at Clanton, County of Chilton, State of Alabama, who being duly sworn, states on oath that the advertisement, a True Copy of which is hereto attached, was published in said newspaper in its issues of: 26 day of June, 1975; 3 day of July, 1975; 10 day of July, 1975; 17 day of July, 1975.

BOB TUCKER,
Publisher.

Subscribed and sworn to before me this 18th day of July, 1975.

PLUMA B. MUNCY,
Notary Public.

Also:

By Mr. Little:

S. 389. Relating to Randolph County: providing further for the compensation of election officials.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF RANDOLPH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Randolph County: providing further for the compensation of election officials.

Be It Enacted by the Legislature of Alabama:

Section 1. In Randolph County the officers appointed to hold elections, upon proper proof of services rendered, shall each be entitled to four dollars (\$4.00) a day in addition to all other compensation provided for by law. In case of a municipal election or primary, the additional compensation shall be paid by the city or town holding the election or primary; in all other cases the additional compensation shall be paid by the county and no part thereof shall be paid or refunded by the state.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnett, a notary public in and for said state and county, appeared John B. Stevenson, publisher of THE RANDOLPH PRESS, a newspaper published in Wedowee, Randolph County, who, being duly sworn, deposes and says that a notice advertising A Bill to be Entitled An Act providing further for the compensation of election officials in Randolph County appeared in said paper in the issues of March 26, April 2, April 9, and April 16 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this the 6 day of May, 1975.

OWEN N. SHELNETT,
Notary Public.

Also:

By Mr. Little:

S. 665. To provide for the compensation of jurors in Randolph County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the compensation of jurors in Randolph County.

Be It Enacted by the Legislature of Alabama:

Section 1. All grand and petit jurors, serving in Randolph County are entitled to fifteen dollars for each day's services, ten cents for each mile traveled in going to and returning from court, and ferriage and toll, to be provided by the oath of the juror before the clerk of the court. The clerk shall give each juror a certificate, stating therein the number of days he has served, the number of miles he has traveled, the amount of ferriage and toll he has paid, and the amount of compensation to which he is entitled. The certificate shall be receivable in payment of county taxes, and other county dues; or in lieu of such certificate the payment to which each juror is entitled shall be payable out of the county general fund.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

THE STATE OF ALABAMA
RANDOLPH COUNTY

Before me, Owen N. Shelnutt, a notary public in and for said state and county, appeared John B. Stevenson, publisher of THE ROANOKE LEADER, a newspaper published in Roanoke, Randolph County, Alabama, who, being duly sworn, deposes and says that a notice advertising A Bill to be Entitled An Act, to provide for the compensation of jurors in Randolph County, Alabama, appeared in said paper in the issues of May 14, 21, 28 and June 4, 1975 and that a copy of said notice is hereto attached.

JOHN B. STEVENSON.

Sworn to and subscribed before me this, the 12 day of June, 1975.

OWEN N. SHELNUTT,
Notary Public.

Also:

By Messrs. King, McDonald (A) and Baker:

S. 769. To amend Act No. 1178 of the 1973 Regular Session of the Legislature of the State of Alabama, which act established a court to be called the General Sessions Court of Madison County, so as to add thereto Section 18, so as to establish a Small Claims Division of said General Sessions Court of Madison County; to set the jurisdictional amount for claims to be processed through said Small Claims Division; to provide for the issuance of summons and complaints from said division; to provide for services of processes for claims handled through said division; to provide for filing fees and court costs for claims filed through said division; to provide for procedures, forms, and assistance to plaintiffs in the preparation of claims; to provide for the Clerk of said Court to have authority to enter judgments by default; and to provide for the employment of additional clerks and facilities to assist the General Sessions Court in the implementation of this act.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that an Act substantially as follows will be introduced in the Alabama Legislature and application made for its passage.

A BILL
TO BE ENTITLED
AN ACT

to amend Act No. 1178 of the 1973 Regular Session of the Legislature of the State of Alabama, which act established a court to be called the General Sessions Court of Madison County, so as to add thereto Section 18, so as to establish a Small Claims Division of said General Sessions Court of Madison County; to set the jurisdictional amount for claims to be processed through said Small Claims Division; to provide for the issuance of summons and complaints from said division; to provide for services of processes for claims handled through said division; to provide for filing fees and court costs for claims filed through said division; to provide for procedures, forms, and assistance to plaintiffs in the preparation of claims; to provide for the Clerk of said Court to have authority to enter judgments by default; and to provide for the employment of additional clerks and facilities to assist the General Sessions Court in the implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 18. Small Claims Division.

(a). Jurisdiction. There is hereby established a Small Claims Division of the General Sessions Court of Madison County. This division of this Court shall be presided over by the Judges of said Court. The Small Claims Division of said Court shall be responsible for the disposition of claims in amounts not exceeding \$250.00. The judge or clerk or his deputy shall be authorized to issue summons and complaints, and all appropriate writs to commence a suit, and in addition, to issue process of garnishment, writs of detinue and attachment, after judgment, or as provided by law.

(b). Service of Process. Service of any process in the Small Claims Division shall be in accordance with the Alabama Rules of Civil Procedure.

(c). Court Costs. The filing fee shall be \$12.50. Such filing fee shall be paid in advance by the plaintiff and reimbursed to him if assessed to and collected from the defendant. All other costs shall be the same as provided by law in the General Sessions Court.

(d). Waiver of Prepaid Filing Fee and other court costs when approved by the judges of the General Sessions Court as hereinafter provided. The plaintiff may commence without prepayment of filing fees and all court costs by making an affidavit that he or she is financially unable to pay such filing fees and costs. The form of said affidavit shall be determined by the Judges of General sessions Court and the sufficiency of the affidavit shall be approved by the judges before the plaintiff can commence his or her claim without paying the filing fee and other costs.

(e). Procedures and Forms. The procedures and forms of the Small Claims Division shall be prescribed by the Judges of the Court; and the Clerk or his Deputy shall assist the plaintiff in the preparation thereof upon request for that class of claims where assistance is available under rules to be established by the court. No action shall be allowed under the Small Claims procedure by any corporation or business entities unless represented by qualified counsel. Assignee's of claims of another person, collection agencies or agent, are specifically prohibited from filing claims in said capacity.

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(g). The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

(h). Effective Date. This Act shall take effect immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
MADISON COUNTY

Before me, Opal H. Dilworth, a Notary Public in and for Said State and County, personally appeared Ida Mae Echols, known to me, who being by me first duly sworn, deposes and says she is Legal Advertising Manager of The Huntsville Times, a newspaper published and printed at Huntsville, Madison County, Alabama, and that the attached legal notice was published in said newspaper on June 11, 16, 23 and 29, 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to before me this the 30 day of June, 1975.

OPAL H. DILWORTH,
Notary Public.

My commission expires April 9, 1979.

Also:

By Mr. McDonald (A):

S. 794. Relating to the City of Huntsville; to provide for the election of a president and vice-president of the city board of education.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MADISON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the city of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The city board of education of Huntsville elected under the provisions in Act No. 796 of the 1971 Regular Session, as amended, shall meet annually on the first Monday in October and at such meeting, the board shall elect one of its members to serve as president and one to serve as vice-president and shall conduct other business as may properly come before the board.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MADISON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ida Mae Echols, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Legal Advertising Manager of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 14, June 21, June 28, and June 30, all in the year 1975.

IDA MAE ECHOLS,
Legal Advertising Manager.

Sworn to and subscribed before me June 30, 1975.

OPAL H. DILWORTH,
Notary Public.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 634. Local Legislation No. 2.

SENATE MESSAGE

The Senate bill, S. 932, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 905. Local Legislation No. 2.
S. 654. Local Legislation No. 1.
S. 928. Local Legislation No. 1.
S. 535. Local Legislation No. 1.
S. 929. Local Legislation No. 1.
S. 943. Local Legislation No. 1.
S. 931. Local Legislation No. 1.
S. 389. Local Legislation No. 1.
S. 665. Local Legislation No. 1.
S. 769. Local Legislation No. 4.
S. 794. Local Legislation No. 4.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Powell, Jones and Mitchell:

S. 512. To provide for a collective bargaining procedure to settle all employment problems for all firefighters employed by municipalities having a population of not less than 100,000 inhabitants nor more than 135,000 inhabitants according to the most recent federal decennial census; to provide definitions for terms used in this Act.

Also:

By Messrs. Clemon, McMillan and Pearson:

S. 343. Relating to judicial procedure, and to provide that the selecting and empaneling of juries in all criminal and quasi-criminal cases in the circuit courts in counties having populations of 600,000 or more according to the last or any future federal decennial census, except that the court in its discretion may order the selection of one or two alternate jurors in the manner now prescribed by law for such counties; and to repeal conflicting laws.

Also:

By Messrs. Ellis, Vacca, Gilmore, Pearson and McMillan:

S. 740. To amend Act No. 17 of the Second Special Session of the Legislature of Alabama of 1975, approved March 10, 1975, which provided in every county of the state having a population of 600,000 or more according to the last or any subsequent federal census for the temporary detention, care and handling of mentally ill persons, pending formal commitment proceedings to determine whether such person should be committed to the Alabama state hospitals.

Also:

By Messrs. Vacca, Pearson, Clemon, Gilmore, McMillan and Ellis:

S. 778. To apply to every county of this State having a population of 600,000 or more according to the last or any subsequent Federal Census; to provide that the officers and employees of any public corporation created by such county to operate a hospital shall be members of any pension system established for the officers and employees of the county, subject to the exceptions, terms and conditions stated in the Act.

Also:

By Messrs. Ellis, McMillan, Clemon and Vacca:

S. 627. To amend Section 14 of Act No. 247, H. 512, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), which act provides for a jury board in Jefferson County so as to allow persons not under twenty-one years and not over seventy years of age to serve as jurors in said county.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1975 application will be made for the adoption of the following Act:

AN ACT

to amend Section 14 of Act No. 247, H. 512, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), which act provides for a jury board in Jefferson County so as to allow persons not under twenty-one years and not over seventy years of age to serve as jurors in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 14 of Act No. 247, H. 512, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), is hereby amended to read as follows:

"Section 14. The Jury Board shall place on the jury and in the jury box the names of all citizens of the County, who are generally reputed to be honest and intelligent and are esteemed in the community for their integrity, good character and sound judgment; but no person must be selected who is under twenty-one or over seventy years of age. Any person who is an habitual drunkard, or who, being afflicted with a permanent disease or physical weakness, is unfit to discharge the duties of a juror; or cannot read English or who has ever been convicted of any offense involving moral turpitude shall not be eligible for jury duty. If a person cannot read English and has all the other qualifications prescribed herein and is a freeholder or householder, his name may be placed on the jury roll and in the jury box."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 10, 17, 24, 31, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 2nd day of June, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

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Also:

By Messrs. Ellis, McMillan, Pearson, Wilson and Clemon:

S. 681. To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that at the Regular Session of the Legislature of Alabama of 1975 application will be made for the adoption of the following Act:

AN ACT

To provide what the fees established by Section 274, Title 51, Ala. Code of 1940 (fees relating to sale of real estate for delinquent taxes) shall be in Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in and to Jefferson County. The decree of sale mentioned in Section 2 of this Act is the decree ordering the sale of land on which taxes are delinquent, for which decree Article 1, Chapter 14, Title 51, Code of Alabama of 1940, provides.

Section 2. For each notice to a delinquent property owner to show cause why a decree of sale should not be rendered, the judge of probate is entitled to a fee of one dollar and twenty-five cents and for each decree of sale twenty-five cents; the tax collector shall have one dollar for serving each notice which may be given by registered mail with return receipt demanded, but for his attendance at court he shall receive no pay; but in case of appeal, the sheriff and the clerk of the appellate court shall be entitled to the same fees as for services in like cases.

Section 3. This Act shall be effective on its approval by the Governor or on its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who, by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of May 10, 17, 24, 31, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to one this the 2nd day of June, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

Also:

By Mr. Ellis:

S. 695. To fix the compensation of the mayor of any municipality in Jefferson County who is employed fulltime by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF JEFFERSON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To fix the compensation of the mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of one or more of certain utility systems owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended.

Be It Enacted by the Legislature of Alabama:

Section 1. The mayor of any municipality in Jefferson County who is employed full-time by a municipality, municipal board or municipal public corporation to serve as superintendent of a municipal light and power system, municipal water system, municipal sewage system and municipal gas system, one or more of them, owned and operated by such municipality, municipal board or municipal public corporation pursuant to the provisions of Title 37, Section 440, Alabama Code 1940, as amended, shall be paid for his service as superintendent of such system or systems, in addition to the salary he now or hereafter receives as mayor, such sum as the governing body, board or municipal public corporation shall deem reasonable, but not to exceed Twelve Hundred Dollars (\$1,200.00) per month, notwithstanding the provisions of Title 37, Section 440, Alabama Code 1940, as amended or any other law to the contrary.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws, general, local or special in conflict herewith are to the extent of such conflict hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared ELEANOR ABERCROMBIE FOSTER who,

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by me duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA MESSENGER, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of GENERAL CIRCULATION, PUBLISHED and PRINTED in Jefferson County, Alabama, and which has been in CONTINUOUS WEEKLY PUBLICATION SINCE 1918, And that there was published in said newspaper in the issues of October 20, 27, November 3, 10, 1973, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 12th day of November, 1973.

KAREN W. ABERCROMBIE,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 512. Local Legislation No. 4.
- S. 343. Local Legislation No. 2.
- S. 740. Local Legislation No. 2.
- S. 778. Local Legislation No. 2.
- S. 627. Local Legislation No. 2.
- S. 681. Local Legislation No. 2.
- S. 695. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Stewart:

S. 365. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Also:

By Messrs. Adams, Torbert and Perry:

S. 497. Relating to the third judicial circuit of Alabama; to provide for an additional secretarial assistant for the office of district attorney of said judicial circuit.

Also:

By Mr. Powell:

S. 523. To further amend Section 1 of Act No. 81, H. 76, 1967 Special Session (Acts of 1967, p. 114, now appearing in Code of Alabama,

Recompiled 1958, as Title 13, Section 125 (79a) so as to provide that the secretary of the district attorney for the nineteenth judicial circuit of Alabama shall be paid the same salary as that of the top step position for a clerk stenographer three in state service.

Also:

By Mr. Little:

S. 387. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF RANDOLPH

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications, testimony and oath of applicants for voting registration at any time the probate office is open to the public for business; such applications will then be submitted to the Board of Registrars at their next meeting and the Board shall notify the applicants in writing of their action thereon.

Section 2. The Board of Registrars is hereby authorized and empowered to promulgate such rules and regulations necessary to carry out the provisions of this act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF RANDOLPH

Before me, the undersigned authority in and for said County in said State, this day personally appeared John B. Stevenson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Roanoke Leader, a newspaper of general

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circulation published in Randolph County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on March 26, April 2, April 9, and April 16, all in the year 1975.

JOHN B. STEVENSON.

Sworn to and subscribed before me 18th April, 1975.

W. E. MONTGOMERY, JR.,
Notary Public.

Also:

By Mr. Adams:

S. 407. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF HOUSTON

Notice is hereby given that a Bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Be It Enacted by the Legislature of the State of Alabama:

SECTION I

The boundaries of the Town of Kinsey in Houston County, Alabama, are hereby altered, rearranged and extended so as to embrace within the corporate limits of said municipality the following described property, to-wit:

Beginning at a point on the Houston and Henry County line at the Northwest Corner of the E $\frac{1}{2}$ of Section 19, Township 4 North, Range 27 East and running thence in a Southerly direction along the West line of the E $\frac{1}{2}$ of Section 19 to the South line of said Section; thence continuing to run South along the West line of the E $\frac{1}{2}$ of the Section 31 to the SW Corner of the NE $\frac{1}{4}$ of Section 31; thence running East along the South line of the NE $\frac{1}{4}$ of Section 31 to the East line of said Section 31, thence continuing to run East along the South line of the N $\frac{1}{2}$ of Section 32 to the East line of said Section 32; thence continuing to run East along the South line of the N $\frac{1}{2}$ of Section 33 to the East line of said Section 33; thence continuing to run East along the South line of the NW $\frac{1}{4}$ of Section 34 to the SE Corner of said NE $\frac{1}{4}$ of Section 34, thence running North along the East line of said NW $\frac{1}{4}$ of Section 34 to the North line of said Section 34, thence continuing to run North along the East line of the W $\frac{1}{2}$ of Section 27 to the North line of said Section 27; thence continuing to run North along the East line of the W $\frac{1}{2}$ of Section 22 to the North line of said Section 22 and the Henry County line; thence running in a Westerly direction along the North line of Sections 22, 21, 20 and 19 to the Northwest Corner of the E $\frac{1}{2}$ of Section 19 to the point of beginning. Said

corporate limits to contain all of the lands embraced within the above described boundaries, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

Said lands being further described by government Sections and Subdivisions as follows:

All of Sections 20, 21, 28 and 29; the East half of Sections 19 and 30; the NE $\frac{1}{4}$ of Section 31; the N $\frac{1}{2}$ of Sections 32 and 33; the NW $\frac{1}{4}$ of Section 34 and the W $\frac{1}{2}$ of Sections 27 and 22, all lying and being in Township 4 North, Range 27 East, Houston County, Alabama.

SECTION II

This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. DOLSON, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: MARCH 11, 18, 25, April 1, 1975, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 6 day of May 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires 2-8-78.

Also:

By Mr. Foshee:

S. 410. To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

Be It Enacted by the Legislature of Alabama:

The Circuit Judges of the Twentieth Judicial Circuit in this State shall receive an expense allowance, for the purpose of defraying expenses in the performance of their official duties, in the amount of \$1200.00 per annum to be paid by the counties composing such circuit. The allowance herein provided for shall be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessor's offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property with such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the State by way of salary to said judges and also any allowances now authorized by law.

All laws or parts of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
HENRY COUNTY

Before me, Ann Marshall Peebles, a Notary Public in and for said County, in said State, personally appeared Nathalie S. Dodd, who is known to me, and who by me being duly sworn, deposes and says that she is the Co-publisher of The Abbeville Herald, a newspaper published in the town of Abbeville, County of Henry, State of Alabama; that the attached notice is a true and correct copy of the notice which was published in said newspaper for four consecutive weeks, on, to-wit: April 10, 1975; April 17, 1975; April 24, 1975; May 1, 1975.

THE ABBEVILLE HERALD,
Nathalie S. Dodd.

Sworn to and subscribed before me, this 1st day of May, 1975.

ANN MARSHALL PEEBLES.

NOTICE OF PROPOSED LOCAL LEGISLATION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

Be It Enacted by the Legislature of Alabama:

The Circuit Judges of the Twentieth Judicial Circuit in this State shall receive an expense allowance, for the purpose of defraying expenses in the performance of their official duties, in the amount of \$1200.00 per annum to be paid by the counties composing such circuit. The allowance herein provided for shall be paid monthly from the

general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such be paid monthly from the general funds of such counties on a pro rata basis calculated upon the assessed value of taxable property in such counties for the previous fiscal year, as shown by the records in the tax assessor's offices, in such manner that each county shall pay such proportion of said expense allowance as the assessed value of the property in such county bears to the total assessed value of the property with such judicial circuit. The expense allowance herein provided for shall be in addition to all other compensation paid by the State by way of salary to said judges and also any allowances now authorized by law.

All laws are part of laws which conflict with this Act are hereby repealed.

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says: That he is ADVERTISING MANAGER of The Dothan Eagle, a Newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: March 23, 30, April 6, April 13, 1975 in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

Sworn to and subscribed before me on this 17 day of April 1975.

SARAH C. BOYDE,
Notary Public.

Also:

By Messrs. Mitchell and Givhan:

S. 436. Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the rehabilitation process of this Act; to provide further for the carrying out of the provisions of this Act; and to provide penalties for violation of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Autauga County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of the county, and providing for a rehabilitation board to supervise and administer the

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rehabilitation process of this act; to provide further for the carrying out of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. DEFINITIONS.

(1) "Board" shall mean County Rehabilitation Board, and shall be composed of five members as follows: the probate judge of the county; the sheriff of the county; and three members of the county governing body of the county or three representatives designated by such governing body.

(2) "Inmate" shall mean any person male or female convicted of a crime and sentenced to the county jail located within the county.

Section 2. EXTENDED LIMITS OF CONFINEMENTS.

The Board shall adopt such written regulations and policies permitting the sheriff to extend the limits of the place of confinement of an inmate, as to whom there is reasonable cause to believe he will know his trust, by authorizing him under prescribed conditions to leave the confines of the county or city jails unaccompanied by a custodial agent for a prescribed period of time to work at paid employment while continuing as an inmate in the jail in which he shall be confined except during the hours of his employment, and thereto and therefrom. Inmates shall participate in paid employment at the discretion of the Board.

Any rules, regulations or policies promulgated by the Board shall be written upon the minutes of the Board, and shall be acknowledged and signed by each member of the Board a minimum of 30 days before any such rules, regulations or policies can be implemented or utilized for any prisoner of any jail pursuant to the provisions of this act.

Section 3. WAGES.—

The employer of an inmate involved in work release shall pay the inmate's wages direct to the Board. The Board may adopt regulations concerning the disbursement of any earnings of the inmates involved in the work release program. The Board shall be authorized to withhold from the inmates earnings 20% of his or her gross earnings to pay such cost incident to the inmates confinement as the Board shall deem appropriate. After 20% has been deducted from the inmates gross pay the remainder of the inmates earnings shall be credited to his account in a local bank, and upon his release from confinement shall be turned over to the inmate. The Board may elect, however, to turn the remaining 80% of the inmate's earnings over to his family to be used by them in their support while an inmate is confined, provided the inmate, as well as the members of the inmate's family give written consent to this procedure, prior to the inmate's release into the work program.

Section 4. ESCAPE.—

The willful failure of an inmate to remain within the extended limits of his confinement or to return within the time prescribed by the sheriff to the county jail, shall be deemed as an escape from the custody of said sheriff and shall be punishable as provided by law for escaped prisoners.

Section 5. INVESTIGATION AND RECOMMENDATION.—

Employees of the Board or persons designated by the Board are authorized to make investigations and recommendations pertaining to

the validity of requests of job opportunities for inmates and to otherwise assist the sheriff in the implementation of the program herein authorized.

Section 6. SECURING EMPLOYMENT.—

The Board or members of the Board shall endeavor to secure employment for eligible inmates under this act subject to the following:

(1) Such employment must be at a wage at least as high as the prevailing wage for similar work in the area or community where the work is performed in accordance with the prevailing working conditions in such area.

(2) Such employment shall not result in displacement of employed workers.

(3) Inmates eligible for work release shall not be employed as strike-breakers or in impairing any existing contracts.

(4) Exploitation of eligible inmates in any form is prohibited either as it might effect the community, the inmates, or the Board.

Section 7. EDUCATION.—

The Board may at its discretion, allow any inmate, between the ages of 14 and 22 only, to participate in the release program to further the inmates education. Under this section the inmates must follow all the rules set forth for other inmates participating in the work release program.

Section 8. FURLOUGHES.—

The Board may adopt rules and allow the sheriff to grant furloughs or leave time not to exceed three days or 72 hours for inmates that the Board deems deserving, subject to the following restrictions:

Each furlough can only be granted with the recommendation of the sheriff and must be approved in writing and signed by a majority of the Board members granting and approving such furlough.

Section 9. INMATE NOT AN AGENT OF STATE OR COUNTY.—

No inmate granted privileges under the provisions of this act shall be deemed to be an agent, employee or involuntary servant of the Board, State, or County while involved in the free community or while going to and from employment, or other specified areas or while on furlough.

Section 10. The sheriff or person or persons designated by the Board shall jointly prepare an annual report to be filed not later than sixty (60) days from the close of each fiscal year, a copy of said report shall be filed with each of the following persons or agencies: the Board, the governing bodies to which this act applies and to the circuit judge or judges serving Autauga County.

Section 11. PENALTY CLAUSE.—

Anyone violating any of the provisions of this act shall be guilty of a misdemeanor.

Section 12. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 13. All laws or parts of laws which conflict with this act are repealed.

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Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

THIS IS TO CERTIFY that the attached legal notice appeared in The Prattville Progress, a newspaper published in the City of Prattville and the County of Autauga, Alabama, for 4 consecutive issues, namely those of March 27, April 3, 10, 17, 1975.

The Prattville Progress, in which the attached advertisement was carried, has a general circulation in the county in which it is published, which newspaper has been mailed under second-class mailing privileges for 52 consecutive weeks prior to the publication of the said legal Notice.

And further, a copy of The Prattville Progress containing the first notice was mailed on the ____ day of _____ 19____, to the _____ at his last known address.

N. E. RIDENHOUR,
Publisher.

Sworn to and subscribed before me, this 22nd day of May 1975.

PATRICIA A. BARBER,
Notary Public.

My Commission Expires April 9, 1979.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 365. Local Legislation No. 1.
- S. 497. Local Legislation No. 1.
- S. 523. Local Legislation No. 1.
- S. 387. Local Legislation No. 1.
- S. 407. Local Legislation No. 1.
- S. 410. Local Legislation No. 1.
- S. 436. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 906. To designate by number the various places upon the governing body, to fix and stagger the terms of office of such places, and to provide for election to each, and to fix the term of office and provide for the election of the Mayor in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent Federal Decennial Census.

Also:

By Mr. Fine:

S. 900. To amend Section 2 of Act No. 343, H. 815, 1969 Regular Session (Acts of 1969, p. 715; now appearing in Code of Alabama, Re-compiled 1958, Title 13, Section 125 (94e)), as amended so as to provide for a raise in the maximum amount payable to the Deputy District Attorney of the 31st Judicial Circuit.

Also:

By Messrs. Mitchell, Jones and Powell:

S. 894. Relating to the Fifteenth Judicial Circuit of Alabama, and allowing County Commissions to provide stenographic, secretarial, clerical and administrative personnel for the Circuit Judges thereof.

Also:

By Mr. Perry:

S. 945. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Also:

By Mr. Edwards:

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing

such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

Also:

By Mr. Perry:

S. 959. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

Also:

By Mr. St. John:

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

By Mr. St. John:

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less

than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

By Mr. McDonald (S):

S. 946. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

With notice and proof thereto attached and herewith exhibited as follows:

PROPOSED LEGISLATION

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206), is hereby amended to read as follows:

"Section 2. The sheriff of Marshall County is hereby authorized to appoint the following number of employees whose compensation shall be determined by the county commission and shall be paid from any fund in the county treasury each month in an amount not less than that listed below:

No. of Empl. Auth.	Position	Comp.
1	Chief Deputy	\$850
14	Deputies	\$650
1	Chief Investigator	\$850
1	Asst. Investigator	\$650
1	Chief Jailor	\$650
3	Jailors	\$450
1	Chief Clerk	\$650
2	Clerks	\$450
1	Matron	\$250

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ewell H. Reed, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, April 24, May 1, and May 8, all in the year 1975.

EWELL H. REED.

Sworn to and subscribed before me July 23, 1975.

DIANN POWELL,
Notary Public.

Also:

By Mr. Edwards:

S. 937. To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the Board of Revenue and Control of Morgan County, are hereby amended to read as follows:

"Section 3. The commission (formerly Board of Revenue and Control) shall hold regular meetings at the courthouse of said county beginning at 10:00 A.M. on the second and fourth Monday of each month, and at such meeting the business of the county shall be taken up, considered, and transacted in due order, and the meeting may be adjourned to a day certain either before or after the next regular meeting. The chairman or any two members of the commission may call a special meeting of the commission by giving five days written notice to each member of the

commission, which notice may be waived by the members of the commission by filing a written waiver to be incorporated in the minutes of the commission. The chairman shall keep minutes of the acts and proceedings of the commission in a well-bound book.

"Section 16. Any vacancy in the office of the Chairman or member of the commission shall be filled by the commission by resolution passed and entered on its minutes.

"Section 17. The salaries of the chairman and the clerical and stenographic assistants to the chairman shall be paid out of the general fund of the county. The salary of the members of the commission shall be paid out of the general fund of the county or a part of the salary of the members of the commission may be paid out of the moneys received by Morgan County from the State of Alabama as its portion of the tax levied by the state on gasoline and other motor fuels and oils, provided, however, that the part of said salary so paid out of the gasoline tax revenue shall bear the same proportion to the total salary paid to said member as the time devoted by said member to supervising, inspecting, accepting, building or repairing county roads or bridges bears to the total time devoted by said member to all of his duties as a member of the county governing body, as the commission may determine from time to time.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

JACK W. HOFFHAUS.

Sworn to and subscribed before me 7/28, 1975.

ELISE G. JOHNSTON,
Notary Public.

My Commission Expires May 6, 1978.

Also:

By Mr. Edwards:

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality

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with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Be It Enacted by the Legislature of Alabama:

Section 1. The Probate Judge of Morgan County shall decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice hav-

ing appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

JACK W. HOFFHAUS.

Sworn to and subscribed before me 7/28, 1975.

ELISE G. JOHNSTON,
Notary Public.

My Commission Expires May 6, 1978.

Also:

By Mr. Edwards:

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to provide for the location of the offices of the county board of education.

Be It Enacted by the Legislature of Alabama:

Section 1. The Morgan County Board of Education is hereby authorized to sell any property and facilities currently housing the offices of the county board of education located in the City of Decatur and to purchase additional property and facilities anywhere in Morgan County. Any such additional property and facilities shall be financed with the funds obtained from the sale of the old property and facilities in addition to any other funds provided for such purpose.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

JACK W. HOFFHAUS.

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Sworn to and subscribed before me 7/28, 1975.

**ELISE G. JOHNSTON,
Notary Public.**

My Commission Expires May 6, 1978.

Also:

By Mr. Edwards:

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF MORGAN**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission of Morgan County is hereby authorized, in its discretion, to close the office of the judge of probate of said county in accordance with the similar closing of other county offices as provided for by existing law.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF MORGAN**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack W. Hoffhaus, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Hartselle Enquirer, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, June 12, June 19, and June 26, all in the year 1975.

JACK W. HOFFHAUS.

Sworn to and subscribed before me 7/28, 1975.

ELISE G. JOHNSTON,
Notary Public.

My Commission Expires May 6, 1978.

Also:

By Messrs. Torbert and Little:

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF CHAMBERS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) entitled "An Act relating to Chambers County. To change the method of compensation of certain county, officers placing the officers on a salary, and providing for their assistants, and the office space and equipment necessary for the conduct of their offices," is hereby amended to read as follows:

"Section 1. The following officers of Chambers County, shall receive the following salaries in lieu of all other compensation:

"(a) Probate Judge—\$17,000.

"(b) Circuit Clerk—\$14,400.

"(c) Tax Assessor—\$13,200.

"(d) Tax Collector—\$13,200.

Section 2. This act shall become effective October 1, 1975, or in the event of this bill passing after said date, the provisions of this bill shall be retroactive to October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Bonnie Hand, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was publisher of The LaFayette Sun, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 25, July 2, July 9, and July 16, all in the year 1975.

MRS. BONNIE HAND.

Sworn to and subscribed before me July 31, 1975.

GEORGE A. JACKSON,
Notary Public.

Also:

By Mr. Mims:

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

Be It Enacted by the Legislature of Alabama:

To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Be It Enacted by the Legislature of Alabama:

Section 1. That from and after the passage and approval of this Act the boundary lines of the Town of Flomaton, Escambia County, Alabama be the same are altered and rearranged so as to include within the corporate limits of said Town, in addition to the territory included within its present corporate limits, the territory described as follows:

Commence at the Northwest Corner of Section 26, Township 1 North, Range 8 East; thence run East to the West line of the L & N Railroad right of way; thence run Southwesterly along West line of said L & N Railroad right of way to existing Town limit line; thence West to the West line of said Section, Township and Range; thence North of the point of beginning.

Commence at the Southwest Corner of Southeast Quarter of Southwest Quarter (SE $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 28, Township 1 North, Range 8 East; thence run North 3000 feet for a point of beginning; thence continue North 960 feet, more or less to the Northwest Corner of Southeast Quarter of Northwest Quarter (SE $\frac{1}{4}$ of NW $\frac{1}{4}$); thence run East to the

Northeast Corner of the Southeast Quarter of Northeast Quarter (SE¼ of NE¼); thence South 960 feet, more or less to existing town limit line; thence West to the point of beginning.

Section 2. That this Act shall go into effect immediately upon its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF ESCAMBIA

I, James G. Thornton, owner and publisher of The Tri-City Ledger, hereby certify that the attached notice is a true and correct copy of notice published in said Tri-City Ledger once a week for four successive weeks, namely in the issues of July 3, July 10, July 17, and July 24, all in the year 1975.

I further certify that the said Tri-City Ledger is a newspaper printed in the English language in Escambia County, Alabama; that said newspaper has a general circulation in the county in which it is published, and has been mailed under the second class mailing privilege of the United States Post Office Department from the Post Office at Flomaton, Alabama, where it is published, for more than 52 consecutive weeks.

JAMES G. THORNTON, JR.

Subscribed and sworn to before me this 25th day of July, 1975.

WILLODEAN MOORE,
Notary Public, State at Large, Ala.

My commission expires 27 October, 1976.

Also:

By Mr. Wilson:

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

STATE OF ALABAMA COUNTY OF WALKER

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

SYNOPSIS: To provide for the levy of a 4 mill ad valorem tax in Walker County, Alabama for educational purposes; to provide for the distribution of said tax, the use thereof, and election for the ratification of said levy.

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Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other taxes heretofore levied, there is hereby levied a 4 mill ad valorem tax on all property subject to ad valorem levy in Walker County, Alabama to be paid to and disbursed by the Walker County Board of Education in accordance with the Constitution of the State of Alabama of 1901 and Amendment No. 204 thereof.

(a) The funds recoverable and derived from said act payable to the Walker County Board of Education shall be used to fund a capital outlay program to repair or replace school buildings as follows: Bankhead Elementary, Boldo, Nauvoo, Parrish Elementary, Redmill, Thach, Union Chappell, Dora, and Sumiton.

(b) To relieve severely overcrowded classroom space or add additional classroom space.

(c) For such other purposes as the Walker County Board of Education may from time to time declare.

Section 2. The funds derived from the above levy payable to the Jasper City School System and the Carbon Hill City School System may be used by those respective systems as the Boards of Education of each system may determine.

Section 3. The provisions of this act shall not take effect until the same have been approved and ratified by the voters of Walker County, Alabama, at an election to be called in compliance with the Constitution and the Laws of the State of Alabama.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. The act shall become effective upon its ratification as provided herein.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WALKER

Before me, the undersigned authority in and for said County in said State, this day personally appeared H. S. Prince, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Daily Mountain Eagle, a newspaper of general circulation published in Walker County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 24, July 1, 8, and 15, all in the year 1975.

H. S. PRINCE, JR.,
Publisher.

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Sworn to and subscribed before me July 29, 1975.

VIRGINIA STOVER.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 906. Local Legislation No. 1.
- S. 900. Local Legislation No. 1.
- S. 894. Local Legislation No. 4.
- S. 945. Local Legislation No. 1.
- S. 926. Local Legislation No. 1.
- S. 959. Local Legislation No. 1.
- S. 1025. Local Legislation No. 1.
- S. 1021. Local Legislation No. 1.
- S. 946. Local Legislation No. 1.
- S. 937. Local Legislation No. 1.
- S. 936. Local Legislation No. 1.
- S. 935. Local Legislation No. 1.
- S. 934. Local Legislation No. 1.
- S. 982. Local Legislation No. 1.
- S. 967. Local Legislation No. 1.
- S. 988. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Little:

S. 765. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census, so as to require any such boards of education to assume responsibility for community education, park and recreation programs.

Also:

By Mr. Waldrop:

S. 465. To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

Also:

By Mr. Little:

S. 662. To provide for the holding of circuit court anywhere within the county comprising the 37th Judicial Circuit of Alabama.

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Also:

By Mr. Fine:

S. 773. To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARION

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage, and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply to Marion County, Alabama, only. The Register of the Circuit Court in Equity of said County, in addition to all fees, commissions and other monies paid as compensation to such person by virtue of holding said office (and any other office by virtue of holding said office) of Register of the Circuit Court, shall be entitled to and shall be paid from the general funds of said County such sum on the first day of each month as will make the total of all compensation paid to said Register for the immediately preceding month equal the sum of Six hundred dollars (\$600.00).

Section 2. In the event the fees, commissions and monies otherwise (than this act) paid the Register of the Circuit Court in Equity of Marion County, Alabama, by virtue of holding said office and any other office by virtue of holding said office of Register of the Circuit Court shall exceed the sum of Six hundred dollars (\$600.00) in any one month, credit shall be applied for the amount exceeding Six hundred dollars to the successive monthly compensation, until the excess is used.

Section 3. Act No. 592, Acts of Alabama (Regular Session 1973) is hereby repealed, and all laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This Act shall become effective immediately upon passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARION

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privi-

leges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who, being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks: May 5, 22, 29, June 5, all in the year 1975.

THE MARION COUNTY JOURNAL,
By ROGER QUINN.

Sworn and subscribed to before me, this 6th day of June, 1975.

BUDDY HALL
Notary Public.

Also:

By Mr. Flippo:

S. 805. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Be It Enacted by the Legislature of Alabama:

Section 1. The following county officials shall have the indicated annual salary and the indicated monthly expense allowance, viz:

Probate Judge, Annual Salary—\$18,000; Monthly Expense Allowance—\$100.00.

Circuit Clerk, Annual Salary—\$16,200; Monthly Expense Allowance—\$100.00.

Tax Assessor, Annual Salary—\$15,000; Monthly Expense Allowance—\$150.00.

Tax Collector, Annual Salary—\$15,000; Monthly Expense Allowance—\$100.00.

Circuit Court Register, Annual Salary—\$15,000; Monthly Expense Allowance—None.

Section 2. The provisions of this act shall supersede any and all other provisions in regard to the annual salary and monthly expense allowance of the above enumerated employees in such county.

Section 3. The provisions of this act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

Section 1. The following county officials shall have the indicated annual salary and the indicated monthly expense allowance, viz: Probate Judge, Annual Salary \$18,000, Monthly Expense Allowance, \$100.00; as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th day of June, 1975.

WALLACE E. OWEN, JR.

Also:

By Mr. Flipppo:

S. 806. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Lauderdale County, providing for an expense allowance for members of the Lauderdale County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Each member of the Lauderdale County Board of Education shall receive an expense allowance of \$200 per month which shall be paid out of the Lauderdale county general school fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, June 3, 10, and 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

Also:

By Mr. Flippo:

S. 337. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lauderdale County Commission is hereby authorized to provide adequate parking for petit jurors, grand jurors, witnesses and employees of the state and county having offices in the county court-

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house. Said commission may furnish such parking through the acquisition and operation of parking lots by contracting with any private or public agency for such purpose, under such terms as it may deem necessary and desirable; or by reimbursing those persons covered by this act for their reasonable personal expenses in securing parking.

Section 2. Upon the request of the said commission, the sheriff of Lauderdale County shall deputize the county engineer or any other employee of the engineering department or of the sheriff's office to enforce TWO hour parking limitations and restricted zone limitations on motor vehicles parking on said county's property around the courthouse during courthouse hours, and said deputy shall have the authority to place a parking ticket on any motor vehicle violating these regulations. Said deputy shall be further authorized to place tickets on motor vehicles blocking other vehicles lawfully parked or parked in spaces not provided for public parking.

Section 3. The violation of any provision of this act shall constitute a misdemeanor and the fine therefore shall be set at \$3.00 plus court costs; provided, that in the event said fine is voluntarily paid within fifteen days from the date of such violation, no court costs nor any other fees shall be charged in connection therewith. In the event said fine is not paid within fifteen days from the date of such violation, the deputy shall proceed to handle said case as in other traffic cases made by the sheriff of said counties.

The clerk of the county court is authorized to accept payment of said fines or court costs as the case may be and to remit the fines to the general fund of Lauderdale County, and to disperse the court costs as provided by law.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, June 3, 10, and 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public, State at Large.

Also:

By Mr. Flippo:

S. 808. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County; and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Lauderdale County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired, or received as required by law by any official of Lauderdale County except those records that the board of registrars is required by law to make and keep, which may be photographed or micro-filmed only if this procedure is approved unanimously by the board of registrars. Such photographs, microfilms, or prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any Court where such original record, or record made by other legally authorized means, could have been so introduced and received. In like manner, reproductions made from such records by photographic or like process, when otherwise in compliance with applicable statutes, rules and regulations, shall be received and treated in any court of this State as fully as would a transcription or reproduction or such records made by any other means or process.

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Section 2. The court or board is authorized to charge to any office, court, board, institution, department or agency of the county the cost of photographing or microphotographing of public records belonging to that office, court, board, institution, department, or agency, by the charging of the cost of such work to that office, court, board, institution, department or agency's appropriation from the county budget.

Section 3. The court or board may from time to time appropriate amounts out of the general fund of the county sufficient to pay the cost of photographing or microphotographing of the public records belonging to the county, and may from time to time appropriate amounts sufficient to purchase necessary photographic or microphotographic equipment, materials and supplies therefor.

Section 4. The custodian of public records is authorized to photograph or microphotograph all public records existing as of the effective date of this act, and after such records have been processed and checked for clarity, all presently existing bound volumes may be offered to the State Department of Archives and History for permanent storage. Such volumes as are refused by the Department may be destroyed unless otherwise prohibited by law.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

A BILL
TO BE ENTITLED
AN ACT

Relating to the management of the public records of Lauderdale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commissioners of Lauderdale County may require the photographing or microphotographing, on plate or film of any record, document, plat, court file, book, map, paper, or writing made, acquired as published in Florence Times*Tri-Cities Daily on the

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31st Day**

days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th day of June, 1975.

WALLACE E. OWEN, JR.

Also:

By Mr. Bank:

S. 817. Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

**STATE OF ALABAMA
COUNTY OF CHOCTAW**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The officers appointed to hold elections in Choctaw County shall each be entitled to fifteen dollars. The returning officer shall also be entitled to mileage as prescribed in Code of Alabama 1940, Title 17, Section 198, as amended. The several claims shall be paid as preferred claims, out of monies in the county treasury not otherwise appropriated, on proper proof of service rendered. The amounts paid to election officers under this act for compensation, per diem or mileage shall be reimbursable according to the General Laws.

Section 2. All laws or parts of laws which conflict with this Act are repealed; and Act No. 179, H. 548, of the Regular Session of 1963 (Acts 1963, p. 564) is specifically repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF CHOCTAW**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, Inc., a newspaper of general circulation published in Choctaw County, Alabama, and

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that the attached notice was published in said newspaper for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, 12, 19 and 26, all in the year 1975.

CHARLES STEBBINS.

Sworn to and subscribed before me June 26, 1975.

NELL F. EZELL,
Notary Public.

Also:

By Mr. Bank:

S. 819. Applicable to Choctaw County; to provide an expense allowance for the coroner of such county.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

**STATE OF ALABAMA
COUNTY OF CHOCTAW**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Applicable to Choctaw County; to provide an expense allowance for the coroner of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The coroner of said county shall receive an expense allowance of \$100.00 per month which shall be paid from the funds of such county.

Such expense allowance shall be in addition to any salary paid the coroner but shall be in lieu of any other expense allowance heretofore provided such coroner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF CHOCTAW**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, Inc., a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week

for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 5, 12, 19 and 26, all in the year 1975.

CHARLES STEBBINS.

Sworn to and subscribed before me June 26, 1975.

NELL F. EZELL,
Notary Public.

Also:

By Mr. Bank:

S. 818. To provide an additional clerk-hire allowance for the Tax Collector and Tax Assessor of Choctaw County, Alabama; and to provide for the payment of the same for said Officers of such County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide an additional clerk-hire allowance for the Tax Collector and Tax Assessor of Choctaw County, Alabama and to provide for the payment of the same for said Officers of such County.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The Tax Collector and the Tax Assessor of Choctaw County shall be entitled to receive \$3,000 each, annually as a clerk-hire allowance, the Tax Collector shall deduct said allowance on a yearly basis and cost of said allowance shall be prorated by the Tax Collector and to each governmental agency which receives ad valorem taxes collected by the Tax Collector on the basis of the proportion of the monies received by each governmental agency to the total amount received by all governmental agencies.

SECTION 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHOCTAW

Before me, the undersigned authority in and for said County in said State, this day personally appeared Charles Stebbins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was General Manager of the Choctaw Advocate, a newspaper of general circulation published in Choctaw County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 22, May 29, June 5, and June 12, all in the year 1975.

CHARLES S. STEBBINS.

Sworn to and subscribed before me June 12, 1975.

NELL F. EZELL,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 765. Local Legislation No. 1.
- S. 465. Local Legislation No. 1.
- S. 662. Local Legislation No. 1.
- S. 773. Local Legislation No. 1.
- S. 805. Local Legislation No. 1.
- S. 806. Local Legislation No. 1.
- S. 807. Local Legislation No. 1.
- S. 808. Local Legislation No. 1.
- S. 817. Local Legislation No. 1.
- S. 819. Local Legislation No. 1.
- S. 818. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Ellis, Pearson, Gilmore, McMillan, Wilson, Vacca and Clemon:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Also:

By Messrs. Pearson, Vacca, Ellis, Clemon, Gilmore and McMillan:

S. 1112. To authorize and provide for the incorporation in each city in the State having a population of 250,000 or more according to the last or any subsequent Federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the State, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation: to specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed

with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the State to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

Also:

By Messrs. McMillan, Vacca, Clemon, Pearson and Ellis:

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

With notice and proof thereto attached and herewith exhibited as follows:

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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**A BILL
TO BE ENTITLED
AN ACT**

To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) is amended to read as follows:

To establish an inferior court in Jefferson County, Alabama; to establish a small claims division within said court; to fix and define the jurisdiction and powers of this newly established Court and the officers thereof; to provide for the election or appointment of the Judges and the number of Judges therein and for their compensation; to provide that the Judges now serving as such in the Civil Court of Jefferson County and the Court of General Sessions of Jefferson County shall be constituted and appointed judges of this newly established Court in the same or similar capacity as said judges now occupy in the Civil Court of Jefferson County; to provide for the election or appointment of other officers of this court, including a clerk, and the tenures of said officers and the duties they shall perform; to provide for the rules of procedure in this court and to fix the method of the issuance and service of all processes therefrom, and to provide for the service of all said processes by the constables, sheriff or other officer of the county in which such processes are to be served or executed; to provide for the transfer of adoption proceedings and for the issuance of writs; to provide for the abolishment of the Jefferson County Civil Court and the Court of General Sessions of Jefferson County; to provide for the transfer of all pending cases and records of the said Jefferson County Civil Court and the Court of General Sessions of Jefferson County to the court created and established by this act; to provide for fees and their levy, taxation and collection in connection with the operation of this newly established court, and to provide for the trial of cases by a judge without a jury; and to provide for said court being a court of record; and to provide for appellate procedure to the circuit court; and to appellate courts and for bonds on appeal; to provide for the regulation of the trials of civil cases in Jefferson County; to make other provisions incidental to the establishment of said inferior court of record, in lieu of the Jefferson County Civil Court and the Court of General Sessions of Jefferson County.

Section 2. Section 1 of said Act No. 96, H. 490, is amended to read as follows:

"Section 1. Abolishment and transfer. The inferior courts now known as the Jefferson County Civil Court and the Court of General Sessions of Jefferson County are hereby abolished. All cases pending in these two courts shall be transferred to the court created by this act. All judgments of these courts shall continue in effect and this new court shall be vested with jurisdiction to enforce such judgments."

Section 3. Section 2 of said Act No. 96, H. 490, is amended to read as follows:

"Section 2. Establishment. There is hereby established an inferior court in Jefferson County, Alabama which shall be known as the Civil Court of Jefferson County hereinafter referred to as this court. This

court shall have concurrent jurisdiction with the Tenth Judicial Circuit Court of Alabama, Birmingham Division, and similar jurisdiction in precinct 53, which may lie outside the present jurisdiction of the said circuit court, in all civil actions in which the matter in controversy does not exceed Five Thousand Dollars (\$5,000.00), except that this court may not exercise jurisdiction over the following matters:

(a) actions seeking equitable relief other than:

(1) equitable questions arising in juvenile cases within the jurisdiction of this court; and

(2) equitable defenses asserted or compulsory counterclaims filed by any part in any civil action within the jurisdiction of this court;

(b) any actions enumerated in Rule 81 of the Alabama Rules of Civil Procedure other than:

(1) actions based in negligence against municipalities;

(2) actions seeking substitution of lost or destroyed records or instruments; or

(3) summary motion proceedings;

(c) actions seeking declaratory judgments; and

(d) appeals from probate or municipal courts.

Section 4. Section 3 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 3. Small claims cases. This court shall exercise exclusive jurisdiction over all civil actions in which the matter in controversy, exclusive of interest and costs, does not exceed Five Hundred Dollars (\$500.00) and over all actions based on unlawful detainer. These actions shall be placed on a small claims docket and shall be processed according to uniform rules of simplified civil procedure as may be promulgated by the Supreme Court."

Section 5. Section 4 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 4. Adoption proceedings, primarily cognizable before the probate courts, may be transferred to this court on motion of a party to the proceeding in probate court. Probate Court offices shall maintain records of all adoption proceedings."

Section 6. Section 5 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 5. Rules of civil procedure. The Alabama Rules of Civil Procedure shall be applicable to all actions brought in this court except as they are inconsistent with this act and except as the supreme court may otherwise provide by rule."

Section 7. Section 6 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 6. Trials. All cases in the court shall be tried by the judge, who shall determine all issues of law and fact without a jury."

Section 8. Section 7 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 7. Court of Record.

(a) This court is a court of record.

(b) Records of proceedings shall be made, maintained and preserved according to rules promulgated by the supreme court, but neither reports or transcripts of proceedings shall be required by law or rule.

(c) Any party may employ a reporter or provide for a transcript of the proceedings on his own account."

Section 9. Section 8 of said Act No. 96, H. 490, is amended to read as follows:

"Section 8. Appeals.

(a) Time. Any party may appeal from a final judgment of this court by notice filed in this court within fourteen days from the date of the judgment or the denial of a post-trial motion, whichever is later, together with security for costs as required by law or rule. A writ of certiorari, with security for costs, may be issued within six months of a final judgment.

(b) To Circuit Court. Except as provided in paragraph (c) of this section, all appeals from final judgments of this court shall be to the circuit court, for trial de novo. An appellant shall not be entitled to a jury trial in circuit court unless it is demanded in the notice of appeal, and an appellee shall have no right to a jury trial unless written demand is filed in circuit court within fourteen days of service upon him of notice of appeal.

(c) To appellate courts. Appeals shall be directed to the appropriate court:

(1) if an adequate record or stipulation of facts is available and the right to a jury trial is waived by all parties entitled thereto;

(2) if the parties stipulate that only questions of law are involved and this court certifies the questions.

(d) Bonds on appeal. No supersedeas bond shall be required in any appeal to the circuit court, and execution of the judgment shall be stayed by timely notice of appeal, pending final judgment on appeal. The supreme court may, by rule, require posting of bonds for costs in appeals."

Section 10. Section 9 of said Act No. 96, H. 490, is amended to read as follows:

"Section 9. Judges. There shall be three judges of this court, a presiding judge and two associate judges. Each judge shall reside within the territorial jurisdiction of this court. The present judge of the court of general sessions of Jefferson County shall be an associate judge of this court until expiration of the respective term for which he was appointed. The first term of each other said judge shall end on January 1, 1979. Thereafter each judge shall be appointed for a term of four years. The presiding judge, who shall always be the judge who is senior in years of service, shall make all necessary rules for said court and the officers thereof, and for the filing and trial of cases, and shall distribute and assign work between the judges. The next most senior associate judge shall preside in the absence of the presiding judge. Each judge shall have the power and authority to perform marriage ceremonies."

Section 11. Section 10 of said Act No. 96, H. 490, is amended to read as follows:

"Section 10. Salary of judges. Each judge of this court shall receive an annual salary of twenty three thousand one hundred eighty dollars (\$23,180.00) payable out of the treasury of said county as other salaries are paid."

Section 12. Section 11 of said Act No. 96, H. 490 is amended to read as follows:

"Section 11. Clerk. The present clerk of the court of general sessions of Jefferson County, who is senior in years of service, shall be the clerk of this court and the present clerk of the civil court of Jefferson County shall be the chief deputy clerk of this court, until expiration of the respective terms for which each was appointed; thereafter, the presiding judge shall appoint a clerk pursuant to the civil service laws now or which may hereafter be in force in Jefferson County, who shall give bond in such amount as may be fixed by the county commission from time to time, payable to the State of Alabama and conditioned to faithfully discharge the duties of such office, which bond shall be approved by and filed in the office of the Judge of Probate of Jefferson County, shall be conditioned to pay over all monies to the proper officers and persons to whom it is payable and to faithfully account for all the monies coming into his or her hands by virtue of such office. There shall be the same liabilities and remedies as upon the bond of a clerk of the circuit court and said county commission may make such provisions as they may deem necessary regarding bonds for deputy clerks.

Section 13. Section 12 of said Act No. 96, H. 490, is amended to read as follows:

"Section 12. Court costs and fees. The clerk shall issue all processes out of said court, approve all bonds, keep a docket of said court and its proceedings, certify all appeals and perform such other duties as are usually required of clerks. The fees and costs, except any fees or other charges for the performance of marriage ceremonies by a judge, shall be taxed and collected as now or as may hereafter be provided by law and shall be paid into the county treasury as provided by law.

Court costs and fees on cases which do not exceed one hundred dollars (\$100.00) shall be taxed as follows: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Issuing subpoena, each witness \$.15; Issuing Execution and taxing cost \$.50; Issuing summons to garnishee \$.50; Issuing attachment writ \$.50; Attachment bond and affidavit \$1.50; Garnishment bond and affidavit \$.50; Writ of detinue \$.50; Detinue bond and affidavit \$1.50; Issuing garnishment on judgment \$.50; Issuing entering judgment \$.25; Issuing certificate not otherwise provided \$.25; Law Library fee \$.10; Docketing cause and court fee \$3.00; Issuing vendi exponas \$.50; Transcript of proceedings \$.50; Attending trial of right of property \$1.00; Attending trial in unlawful detainer \$4.00; Sci. Fa. or notice in nat. thereof \$.50; Issuing notice of defendant \$.25; Appeal bond, trans. and notice \$1.25; Notice to defendant-Statement of Assets \$1.50; Citation to defendant-Statement of Assets \$1.50; State Fair Trial tax \$2.00; Serving summons, constable \$2.00; Serving Summons, sheriff \$2.50; Serving summons, each witness \$.75; Serving garnishment, constable \$2.00; Serving garnishment, sheriff \$2.50; Levying attachment \$7.50; Levying execution \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein, constable \$2.00; Serving notice, sheriff \$2.50; Serving Sci. Fa. or other like notice \$2.00; Taking bail or other bond \$2.00; Taking property levied on \$6.00; Dispossessing \$7.50; Answer fees \$.50; Witness fees \$.50."

Court costs and fees on cases which exceed one hundred dollars (\$100.00) but do not exceed five hundred dollars (\$500.00) shall be taxed

as follows: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Issuing subpoena, each witness \$.15; Issuing Execution and taxing cost \$.50; Issuing summons to garnishee \$.50; Issuing attachment writ \$.50; Attachment bond and affidavit \$1.50; Garnishment bond and affidavit \$.50; Writ of detinue \$.50; Detinue bond and affidavit \$1.50; Issuing Garnishment on judgment \$.50; Issuing entering judgment \$.25; Issuing Cert. not otherwise provided \$.25; Law Library fee \$.25; Docketing cause and court fee \$6.00; Issuing vendi exponas \$.50; Transcript of proceedings \$.50; Attending trial of right of property \$1.00; Attending trial in unlawful detainer \$4.00; Sci. Fa. or notice in nat. \$.25; Appeal bond, trans. and notice thereof \$.50; Issuing notice of defendant \$.25; Appeal bond, trans. and notice \$1.25; Notice to defendant-Statement of Assets \$1.50; Citation to defendant-Statement of Assets \$1.50; State fair trial tax \$2.00; Serving summons, constable \$2.00; Serving summons, sheriff \$2.50; Serving summons each witness \$.75; Serving garnishment, constable \$2.00; serving garnishment, sheriff \$2.50; Levying attachment \$7.50; Levying execution \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein, constable \$2.00; Serving notice, sheriff \$2.50; Serving Sci. Fa. or other like notice \$2.00; taking bail or other bond \$2.00; Taking property levied on \$6.00; Dispossessing \$7.50; Answer fees \$.50; Witness fees \$.50."

Court costs and fees on cases which exceed five hundred dollars (\$500.00), shall be taxed as herein provided: Issuing summons and complaint \$1.00; Issuing alias summons \$.50; Interrogatories \$.75; Party, \$.10 page; Issuing subpoena duces tecum \$.50; Issuing subpoena, each witness \$.25; Issuing exec. and taxing cost \$1.00; Issuing vendi exponas \$.50; Issuing alias execution \$.50; Issuing commission \$.50; Issuing summons to garnishee \$1.00; Issuing attachment writ \$.50; Bond and affidavit \$1.50; Writ of detinue \$.50; Transfer of case \$3.00; Cer. not otherwise provided for \$.25; Docketing cause and court fee over \$1,000.00 \$9.10; Fair trial tax, \$2.00; Transcript or proceedings \$1.00; Attending trial of right of property detinue \$1.00; Sci. Fa. or notice in nat. thereof \$.50; Issuing attachment \$1.50; Notice to defendant \$.25; Appeal bond trans. and notice \$3.00; Notice to Deft.-Statement of Assets \$1.50; Citation to Deft.-Statement of Assets \$1.50; Out of county sheriffs charge \$1.50 plus mileage for service (\$.10 mi.); Serving summons and complaint \$2.50; Serving interrogatories \$2.50; Entering return \$.25; Serving summo nesach witness \$.75; Serving garnishment \$2.50; Levying attachment \$7.50; Levying execution \$3.00; Making money, 5%, not less than \$.75; Serving notice, etc. on each party therein \$2.50; Serving Sci. Fa. or other like Notice \$2.50; Taking bail or other bond \$2.00; Taking property levy on \$6.00; Making arrest \$5.00; Witness fees, \$2.00; Library tax \$.25.

Section 14. Section 15 of said Act No. 96, H. 490, is amended to read as follows:

"Section 15. Docket fees. A docket fee of \$7.50 for cases filed on the small claims docket and \$10.00 for cases otherwise filed in this court shall be collected from the plaintiff, third-party plaintiff or counter-claimant at the time an action is filed. The docket fee may be waived and taxed as cost at the conclusion of the case if the court finds that payment of the fee will constitute a substantial hardship and if a verified statement of hardship, signed by the plaintiff and approved by the court, is filed with the clerk."

Section 15. Section 16 of said Act No. 96, H. 490, is deleted and the following is inserted in lieu thereof:

"Section 16. Writs. This court may issue all writs necessary to preserve and enforce its jurisdiction and authority but shall not have jurisdiction of petitions for writs of habeas corpus."

Section 16. Section 21 of said Act No. 96, H. 490, as amended is further amended to read as follows:

"Section 21. Service of process. Service of process in all cases involving county residents whose identify and location are known shall be made by a constable or upon his or her failure or refusal, by the sheriff or other officer of the county, or by some other person specifically appointed by the court for that purpose. Process on non-residents of the county shall be made as otherwise provided by law. A defendant who has failed to appear within fourteen days of service shall be considered in default.

Section 17. Section 24A of said Act No. 96, H. 490, is amended to read as follows:

"Section 24A. Vacation. The presiding judge and the associate judges shall each be entitled to thirty days vacation each calendar year."

Section 18. The said Act No. 96, H. 490, is amended by adding the following new section immediately following Section 24A:

"Section 25. Interrogatories. Written interrogatories may, with leave of court, be served upon another party. Answers or objections must be served within the time fixed by court."

Section 19. Sections 17, 18, 19 and 20, H. 490 are struck in their entirety and the remaining sections shall be renumbered accordingly.

Section 20. If any section, clause, or provision of this act shall be declared unconstitutional or held invalid, it shall not affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 21. All laws and parts of laws, general, special, or local, in conflict with any of the provisions of this Act, shall be and the same are hereby repealed.

Section 22. This act shall be effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor Abercrombie Foster who, by me duly sworn, deposes and says that she is the Publisher of Alabama Messenger, (formerly the Alabama Legal Advertiser and the Birmingham Messenger), a weekly newspaper of general circulation, published and printed in Jefferson County, Alabama, and which has been in continuous weekly publication since 1918, and that there was published in said newspaper in the issues of July 5, 12, 19, 26, 1975, a legal notice, a copy of which is hereto attached.

ELEANOR ABERCROMBIE FOSTER,
Publisher.

Sworn and subscribed to on this the 28th day of July, 1975.

KAREN W. ABERCROMBIE,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1068. Local Legislation No. 2.
- S. 1112. Local Legislation No. 2.
- S. 1038. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Ellis, Vacca, Gilmore, McMillan, Wilson and Pearson:

S. 855. To authorize and provide for the incorporation in any county having a population of not less than 600,000, according to the last or any subsequent federal decennial census, of public corporations for the purpose of promoting the industrial development of the county and municipalities therein and particularly the development and commercial use of the inland waterways in such counties through the acquisition and preparation of suitable wharves, docks, warehouses, and other port and related facilities; to provide for the election and compensation of directors of any such authority; to provide for the powers, authorities and duties of any such authority and its board of directors; specifically to authorize any such authority to acquire, construct, operate, improve and finance wharves, docks, warehouses, and other port and related facilities, and specifically to apply to the United States Foreign Trade Zones Board for permission to establish, operate and maintain a foreign trade zone and, if such permission is granted, then to establish, operate and maintain such a foreign trade zone; to confer on such authority the power of eminent domain; to provide for the issuance by any such authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of the revenues of any facilities or other property of such authority, without regard to the facilities or property with respect to which such securities may have been issued; to provide that such securities shall constitute negotiable instruments; to regulate and provide further for the issuance of, security for (including the pledge of certain revenues and properties to the payment thereof), and use of the proceeds of such securities; to provide for refunding of such securities; to provide that such securities issued and contracts entered into by any such authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any port facilities or other property to any such authority; to exempt the property and income of any such authority, all securities issued by such authority and the income from such securities, and all conveyances, leases, mortgages and deeds of trust to which such authority is a party, from all taxation in the state, including license and excise taxes, levied by any county, municipality, or political subdivision of the state; to exempt such authority from payment of certain charges to judges of probate; to exempt every authority from certain tort liability; and to provide that certain employees of such authority shall be subject to and covered by any merit or civil service system applicable to the

employees of the county by which the incorporation of the authority was authorized if there is such a system applicable to the employees of the county, and to provide for the dissolution of any such authority and the disposition of its property.

Also:

By Mr. Gilmore:

S. 1154. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Also:

By Mr. Gilmore:

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Also:

By Mr. McMillan:

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Also:

By Mr. McMillan:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform

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the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 855. Local Legislation No. 2.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were read a first time at length as required by the Constitution, and referred to the appropriate Standing Committees as follows:

S. 1154. Local Legislation No. 2.

S. 1155. Local Legislation No. 2.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

S. 1157. Local Legislation No. 2.

S. 1136. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. McDonald (S) and Wilson:

S. 944. To amend Act No. 538, approved August 27, 1973, relating to an expense allowance to be paid the Circuit Judges and District Attorney of the Thirtieth Judicial Circuit of Alabama.

Also:

By Mr. Gilmore:

S. 1067. Relating to all counties having populations of not less than 36,500 nor greater than 39,200 according to the most recent federal decennial census; to authorize branch banks in any such city or town located wholly or partly in such county having not less than 1,200 inhabitants according to the last or any subsequent federal decennial census, provided such bank shall have been in existence, operation or under construction in any such county prior to January 1, 1975; to deem authorized any such branch banks at the time established; and to ratify and confirm any action taken by such branch banks prior to passage of this bill.

Also:

By Mr. Little:

S. 1035. Relating to the largest city in all counties having a population of not less than 60,000 nor more than 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to empower recorders courts in said counties to suspend sentences or grant probation under certain conditions.

Also:

By Mr. Wilson:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Also:

By Mr. Foshee:

S. 912. To amend Sections 5 and 6 of Act No. 908, H. 1286, 1969 Regular Session (Acts of 1969, p. 1636) as amended, relating to election procedures in certain counties having populations of not less than 34,000 nor more than 34,800, according to the most recent federal decennial census, so as to change the number of election officials, their compensation, and the duty of the county governing body.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 944. Local Legislation No. 1.
- S. 1067. Local Legislation No. 2.
- S. 1035. Local Legislation No. 1.
- S. 1033. Local Legislation No. 1.
- S. 912. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Shelby:

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and

compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 907. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Stewart:

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Oxford in Calhoun County.

Section 2. As used in this act, unless the context clearly requires a different meaning: "city" means the City of Oxford in Calhoun County; "employee" means any person including firemen and policemen, not excepted by Section 3 of this act, who is employed in the service of the City of Oxford; "board" means the civil service board created by this act; "appointing authority" means in the case of employees in the offices of the elected officers of the city, such elected officers; in the case of all other city employees, the city governing body, or the board or other agency supervising their work.

Section 3. The provisions of this act shall apply to all officers and employees in the service of the city or any board, agency or instrumen-

tality thereof except: (a) elective officers; (b) members of appointive board, commissions, and committees; (c) all employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools; (d) attorneys, physicians, surgeons, nurses and dentists employed in their professional capacities and employees under the direct or indirect supervision of the Oxford Hospital Board; (e) the judge of any court; (f) independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding; (g) any person whose employment is subject to the approval of the United States government or any agency thereof; (h) all employees of the Water and Sewer Board; (i) heads of departments, including but not limited to the Police Chief, the superintendent of the sanitation department, the recreation director and the City Clerk.

Section 4. All employees of the city shall be governed by civil service rules and regulations prescribed in or promulgated pursuant to this act, administered by a civil service board, the creation of which is provided for in Section 5 hereof. Present employees shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner hereinafter provided; and such employees, except for appointment, shall be subject fully to the provisions of this act.

Section 5. There is hereby created the Civil Service Board of the City of Oxford, which shall be composed of five members appointed by the members of the legislature who represent the City of Oxford or any portion thereof. Appointees shall serve for terms of one (1) year; two (2) years, three (3) years; four (4) years and five (5) years respectively, or until his successor is appointed. Thereafter, all appointees shall serve for a period of six (6) years. Initial terms of office shall be determined by drawing names after nominees have been appointed. No person shall be appointed to the board who is not a resident and qualified elector of the City of Oxford and over the age of twenty-five years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their number. Any member of the board who becomes a candidate for, or is elected or appointed to another public office vacates his office as a member of the board.

Section 6. Each member of the board shall be paid twenty dollars per month by the City of Oxford. The board shall have power to appoint clerical assistance and engage legal counsel of its own choice.

Section 7. The board shall fix the times for its regular meetings; and it may hold special, adjourned or call meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. The board shall have power to make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, and such other matters as may be necessary to accomplish the purposes of this act. A

rule or regulation may be made effective only after a public hearing is held on the proposal thereof and after a certified copy thereof has been filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall: (1) classify the different types of services to be performed in the service of the city; (2) prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class; (3) with the approval of the appointing authority, fix a maximum and minimum salary for each class; and (4) allocate each position in the service to its proper class. It shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence, and the severance of an employee's relationship with the city shall be in accordance with such regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body; but in every case the salary paid shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by the provisions of this act unless the warrant is in an amount authorized by the board to be paid such employee. A sum paid as salary contrary to the provisions of this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability; it is provided, however, that no examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Lay-offs available for reemployment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted reemployment status upon proper eligible registers under such circumstances and in such manner as may be provided for in the board's rules and regulations, subject, however, to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of such applicants. All qualified applicants shall be examined, and examinations shall be public, competitive, and, subject to limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to ability to discharge the duties of the position, open to all citizens of the United States. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he applies. In no case shall an appointment be made from an eligible register which is more than two years old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the three persons who rank highest on the appropriate eligible register of the board or by transfer within the service of the city from another position of the same class. However, the ranking layoff of the same class shall be appointed

in every instance. Whenever it is impossible for the board to certify eligible persons to a vacancy, the board may authorize the appointing authority to fill the vacancy temporarily pending the establishment of an eligible register. No such authorization may be given for longer than one hundred and twenty days, and no such employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for six months from the date of appointment. A probationary subordinate employee may be discharged by his appointing authority for unsatisfactory service at any time before the expiration of that period if the action is approved by the board; a probationary department head employee may be discharged or demoted similarly by his appointing authority upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. An appointing authority, shall have authority to suspend an employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event an employee is suspended for more than thirty days, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with cause, the suspension shall be revoked.

Section 14. (a) The governing body of the city, any member of the governing body, or the head of any department or office can remove, discharge, or demote any employee, officer or official of the city who is subject to the provisions of this act and who is directly under such governing body, member thereof, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge, or demotion. The employee shall have ten days from the time of notification of his discharge, removal, or demotion in which to appeal to the board. The board shall thereupon order the charges or complaint to be filed forthwith in writing and shall hold a hearing de novo on such charges. No permanent employee, officer, or official of the city whose employment comes within the jurisdiction of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only after a hearing upon written charges or complaint has been had and after an opportunity has been given him to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment warranted by the evidence and under the law. Charges may be filed by any resident citizen of the city as follows: the charges must be in writing, must set forth succinctly the matters complained of, and must be sworn to before any member of the board or before any person authorized to administer oaths. Upon the receipt of such charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a trial thereon; and, if not, such charges may be dismissed by the board. If in the judgment of the board such charges are of a minor nature, such charges may be referred by the board to the proper department head who shall make an investigation of the charges and make his recommendation to the board within such time as the board may prescribe, as to what disciplinary action, if any, should be taken. After such recommendation is made by the department head and after due notice is given to the affected employee of the receipt of such recommen-

dation and the contents thereof, the board may, in its discretion, adopt and order executed the action recommended by the department head or any part thereof. However, if the complainant or the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing de novo on the charges, and take such disciplinary action as in their judgment is warranted by the evidence and under the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be taken down in shorthand by a stenographer, in all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any member thereof or by any department head, when requested or directed to do so by such city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and he shall also give such legal advice and legal assistance to the board as may be requested by it.

The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend upon and preserve order at all public hearings conducted by the board. In case a person refuses to obey such subpoena, the board or its representative may invoke the aid of any circuit court in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of this state, which fees shall be paid from the treasury of the city.

(b) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Calhoun County in equity within thirty days from the rendition of such decision by the board. Review by the court shall be without a jury and be confined to the record, and to a determination of the questions of law presented; the board's findings of fact shall be final and conclusive.

Section 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any manner whatever in the campaign of any candidate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office or a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

Section 16. The compensation and all other expenses of the board arising under the provisions hereof shall be paid from funds of the city on the order of the board in the same manner as other city salaries and

expenses are paid, provided, however, that the total expenditures in any one year shall not exceed Five Thousand Dollars (\$5,000.00) without the approval of the city governing body. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, and telephone service, postage, office supplies, and stationery.

Section 17. Any person in the service of the city by appointment under civil service rules or regulations who wilfully violates any of the provisions of this act, or any rule or regulation issued in pursuance thereof, shall be dismissed from service under the system and shall not be reappointed for two years.

Section 18. Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. The provisions of this act shall become effective in the City of Oxford only if approved by a majority of the electors of that City voting in a referendum to be held in said city on the thirtieth day following the passage of this act. The governing body shall order and provide for the holding of the referendum on such date. On the ballots to be used at the election the question shall be stated substantially as follows: "Shall the provisions of Act No. _____, of the 1975, Regular Session of the Legislature, approved the _____ day of _____, 1975, which relates to the creation of a civil service system for the city, be adopted. Yes () No ()." If a majority of the votes cast in the election are "Yes", the provisions of this act shall become effective immediately. If the majority are "No" this act shall have no effect. The City Clerk shall notify the Secretary of State of the results of such election.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CALHOUN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Phillip Sanguinetti, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was President of the Anniston Star, a newspaper of general circulation published in Calhoun County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 23, 29, Sept. 5, 8, all in the year 1975.

PHILLIP SANGUINETTI.

Sworn to and subscribed before me Sept. 9, 1975.

LOLA J. BRIGHT,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1177. Local Legislation No. 1.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Merrill:

H. J. R. 365. TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May 1976 and again between the 1976 Regular Session and the 1977 Regular Session and again between the 1977 Regular Session and the 1978 Regular Session, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor and four members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means committee shall be Vice Chairman. The Chairman of the Committee, or in his absence the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and of conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth

legislative day of the regular session for the year in which such committee is reporting. Upon the submission of the final report in 1978 the committee shall stand dissolved.

On motion of Mr. Merrill, the rules were suspended and the resolution, H. J. R. 365, was adopted.

Also:

By Mr. Pegues:

H. J. R. 366. REQUESTING CERTAIN LOBBYISTS TO STOP USING STRONG ARM TACTICS ON MEMBERS OF THE LEGISLATURE.

WHEREAS a certain small segment of the lobbyists in the State Capitol and one lobbyist who represents a large group of professional people in particular has gained quite a reputation for using strong arm tactics on members of the legislature; and

WHEREAS the members of the legislature have been subject to harassment, intimidation and threats while in committee chambers and in the hallways of the Capitol in connection with their actions and votes upon certain matters pertaining to this professional group; and

WHEREAS it is truthful and wise advice that "friendly persuasion" will gain more friends and influence more people than threats and harassment; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature does advise the party who has been particularly guilty of these tactics that they are not well received by the members of the legislature and that for the benefit of himself and the professional group that he represents that he should forthwith cease and desist from any threats, harassments, and intimidation of members of the legislature.

On motion of Mr. Pegues, the rules were suspended and the resolution, H. J. R. 366, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Cates, the rules were suspended in order to bring up out of order the third reading of the bill, S. 1058.

And the bill:

S. 1058. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kil-

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lian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (C), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—78

MOTION TO CARRY OVER BILLS ADOPTED

On motion of Mr. Teague, all bills were temporarily carried over in order to reach the bill, H. 1711, on the Calendar.

And the bill:

H. 1711. To permit banks now or hereinafter situated in the City of Childersburg in Talladega County to establish, maintain and operate branch banks and branch offices within the limits of said city for the conduct of a general banking and trust business; and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 3; Nays 0.

Yeas:

Messrs.: Dial, Moore (O), and Teague.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McNair, the rules were suspended in order to bring up out of order the third reading of the bill, H. 405.

Yeas 29; Nays 6.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Boles, Brindley, Cross, Folmar, Ford, Goodwin, Harrison, Hines, Hopping, Howard, Jackson (R), Jolly, Leonard, Lewis, McCulley, McNair, McNees, Manley, Moore (O), Plaster, Quarles, Sonnier, Starkey, Trammell, Weeks and Wyatt.

—29

Nays:

Messrs.: Barron, Carothers, Jackson (F), Smith (C), Turnham and Waggoner.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 405. To amend Section 367 of Title 52 Code of Alabama of 1940, as amended, which relates to the administration of the Teachers' Retire-

ment System of Alabama; to provide that the election of certain trustees to the Board of Control of the Teachers' Retirement System be accomplished by an annual statewide election, conducted under the rules, regulations and supervision of said Board of Control; to provide that each member of the Retirement System shall be eligible to vote for each position subject to election; and to provide for the admissibility of micro-filmed records.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 55; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Brindley, Carothers, Carter, Coburn, Cooper, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Harrison, Hines, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, McNees, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Sandusky, Sasser, Smith (C), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—55

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 367. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Tuesday, September 23, 1975, at 10:00 A.M.

On motion of Manley, the rules were suspended and the resolution, H. R. 367, was adopted.

Also:

By Mr. Lee:

H. J. R. 368. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED CRIMINAL CODE FOR THE STATE OF ALABAMA.

WHEREAS there is great and pressing need for a comprehensive study of the need of devising and adopting a revised criminal code for the State of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the need for adopting a revised criminal code for the State of Alabama. Such committee shall be composed of eight members from the House and eight members from the Senate to be appointed by the presiding officer of their respective houses. The committee shall select its own chairman and vice chairman from among its membership. The committee shall adopt its own rules of procedure for the conduct and transaction of its business.

Upon the request of the chairman, or the vice chairman, the Secretary of the Senate or the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1976 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that the expenditures for any purposes of this committee shall not exceed six thousand dollars.

On motion of Mr. Lee, the rules were suspended and the resolution, H. J. R. 368, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Merrill, the rules were suspended in order to allow introduction of bills.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Mitchem:

H. J. R. 369. AMENDING ACT NO. 22, H. J. R. 18, 1975 ORGANIZATIONAL SESSION, WHICH RECREATED THE JOINT INTERIM COMMITTEE ON AGRICULTURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 22, H. J. R. 18, 1975 Organizational Session, approved January 22, 1975, is hereby amended to read as follows:

"That there shall be a joint interim committee on agriculture to meet on call of its chairman during the interim between the date of passage of this resolution and the tenth legislative day of the 1976 regular legislative session, which shall make a study of the condition of agriculture in the state, hold hearings, inquire into ways and means of improving agriculture, agricultural marketing, and business and industry based on agriculture in the state, and report its findings, conclusions, and recommendations to the Governor and to each house of the legislature not later than the tenth legislative day of the 1976 Regular Session.

"The committee shall consist of the members of the House Committee on Agriculture and the members of the Senate Committee on Agriculture. The chairman of the House Committee on Agriculture shall be chairman of the interim committee and the chairman of the Senate Committee on Agriculture shall be co-chairman of the interim committee. The chairman of the committee, with the approval of the co-chairman, shall set the schedule and program for committee work, shall fix the days and hours of meeting and conducting hearings and examining witnesses who appear before the committee and may appoint sub-committees and invest them with such authority as may be necessary to conduct the committee's business and expedite its work. The total expenditures of the committee shall not exceed ten thousand dollars, inclusive of per diem legislative pay and travel expenses. Such pay and expenses shall be paid out of any available funds appropriated to the use of the legislature.

"Any and all prior interim committees on agriculture are hereby abolished."

On motion of Mr. Mitchem, the rules were suspended and the resolution, H. J. R. 369, was adopted.

Also:

By Mr. Plaster:

H. J. R. 370. WHEREAS many of America's leading historic forts, battle sites, roads, and trails are located within the State of Alabama; and

WHEREAS several of Alabama's Indian trade and treaty and military transportation landmarks are National Historic Landmarks and numerous others are recorded in the National Register of Historic Landmarks; and

WHEREAS historic forts and landmark roads are tourist meccas with scenic and recreational appeal to Alabama adults and our youth as well as hundreds of thousands of visitors from out of state; and

WHEREAS much is yet to be done by both the public and private sectors to register, excavate, restore, preserve, and develop these significant landmarks.

NOW THEREFORE BE IT RESOLVED by the House of Representatives, the Senate concurring, to create the State Fort and Historic Trail Council, to work with the Alabama Historical Commission to preserve military and trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

The Council shall be composed of thirteen members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, and the Creek Indian Nation of Alabama. Two members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

The Council shall meet as a body no more than twice a year and shall counsel the State of Alabama regarding the development of the state's historic forts, roads and trails and natural landmarks.

On motion of Mr. Plaster, the rules were suspended and the resolution, H. J. R. 370, was adopted.

Also:

By Mr. Turnham:

H. J. R. 371. MOURNING THE DEATH OF PROFESSOR GEORGE WALTER HARGREAVES.

WHEREAS the Alabama legislature has noted with a sense of deep regret the passing of Professor George W. Hargreaves; and

WHEREAS Mr. Hargreaves was a professor with the Auburn School of Pharmacy from 1926 until his retirement in 1973; and

WHEREAS he was a man of many talents who never shunned responsibility but rather spearheaded numerous and worthwhile endeavors, such as helping establish the Auburn Pharmacy Alumni Association, and taking the lead in organizing and coaching the first Auburn University golf team; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Professor George Walter Hargreaves and express our deep and sincere sympathy to his widow, Jewel Hargreaves, and his family to whom a copy of this resolution shall be sent.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 371, on the Clerk's desk for one legislative day.

Also:

By Messrs. Dial and Hines:

H. J. R. 372. COMMENDING ROBERT (BOBBY) BOWICK FOR HIS OUTSTANDING WORK WITH THE ALABAMA BICENTENNIAL COMMISSION.

WHEREAS, this nation will celebrate its birth in 1976 and the states and communities throughout the country have planned commemorative celebrations designed to imbue its citizens with a deeper awareness and appreciation for the treasured principles upon which our nation was founded; and

WHEREAS, Robert Bowick, Executive Director of the Alabama Bicentennial Commission, has worked tirelessly in developing a multitude of events and programs to insure Alabamians of full participation in ceremonies for this observance; and

WHEREAS, under his direction the Commission has: developed an award-winning multimedia presentation, entitled "How You Coming, Alabama?", which earned an award for excellence at the Atlanta International Film Festival; and with the Department of Education another film was made describing the Alabama State Capitol Complex and the functions of state government; initiated with the Alabama Public Library Service a summer reading program, "Let's Go Alabama", designed to arouse the interest of our young Alabamians in the rich heritage of their State; engineered a Bicentennial Trail composed of the State's two-hundred foremost scenic and historical sites, with at least one in each county, and each designated by a Bicentennial trail marker; caused ten out-of-print books to be reprinted, entitled the "Bicentennial Reprint Series", which series note the historical and academic importance of our great State; together with the Alabama Bible Society, provided for distribution to all churches within the State a non-denominational pamphlet on God, country and faith; assisted in inaugurating the Bicentennial license plate and the official Alabama commemorative decanter; and

WHEREAS, Mr. Bowick has been instrumental in developing official Bicentennial programs in 102 Alabama communities to date, and which communities have been nationally designated, and through his efforts in November, 1974, the University of Alabama was proclaimed as the first National Bicentennial College Community in the nation by President Gerald R. Ford in White House ceremonies; and

WHEREAS, on the South lawn of the Capitol Bobby Bowick assisted in the planning of the "Alabama Bicentennial Park" where rests the

State's replica of the Liberty Bell, presented to the State honoring Alabamians as dedicated people to the beliefs of "Free Citizens in a Free Land" by the United States government in 1950; and

WHEREAS, all of Robert Bowick's dedication, talents, leadership and vision in designing, developing and planning Alabama's part in the historic, educational and patriotic renewal celebrations of our great nation's 200th year have filled us with a deep sense of appreciation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this Legislature does thank and commend Robert Bowick for his outstanding accomplishments and work with the Alabama Bicentennial Commission.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Robert Bowick.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 372, was adopted.

Also:

By Messrs. Hines, Leonard, Lee, Taylor, Cooper and Campbell:

H. J. R. 373. URGING THE BOARD OF CORRECTIONS TO CONSIDER A PLAN OF REORGANIZATION CONDUCTIVE TO THE REHABILITATION OF PROMISING CANDIDATES.

WHEREAS, the Interim Criminal Justice Study Committee has recently reported to the Alabama legislature, and

WHEREAS, that Committee strongly urges the Board of Corrections to carefully consider the possibilities of a reorganization of inmates within the existing institutions so that the more promising candidates for rehabilitation and resocialization are given the most conducive environment possible, and

WHEREAS, the overcrowding which presently exists in the penal system inhibits the rehabilitation process, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we strongly urge the Board of Corrections to consider a plan of reorganization conducive to the rehabilitation of promising candidates.

On motion of Mr. Hines, the rules were suspended and the resolution, H. J. R. 373, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lewis, the rules were suspended in order to bring up out of order the third reading of the bill, H. 1419.

And the bill:

H. 1419. To make a conditional appropriation in the amount of \$100,000.00 from the Alabama Special Educational Trust Fund to Alabama State Board of Education for the use and benefit of Alabama State University for the purpose of demolition and removal of a gutted building on the University campus and for the purpose of purchasing additional land within the University Master Plan Area.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 50; Nays 5.

Yeas:

Mr. Speaker, Andrews, Barron, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Harris, Holley, Holmes, Jackson (F), Johnstone, Kennedy, Lee, LeFlore, Lewis, Lockett, Lutz, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Sparks, Starkey, Taylor, Warren and Wyatt.

—50

Nays:

Messrs.: Boles, Gregg, Leonard, Riddick and Smith (B).

—5

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 128, and ordered same returned to the House with a favorable report:

TO ESTABLISH A JOINT INTERIM STUDY COMMITTEE TO INVESTIGATE ALLEGATIONS WITH RESPECT TO THE FAIRHOPE SINGLE TAX CORPORATION.

On motion of Mr. Kinsey, the resolution, S. J. R. 128, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 254, and ordered same returned to the House with a favorable report:

REQUESTING THE DIVISION OF VOCATIONAL EDUCATION FOR COMMUNITY COLLEGES TO SECURE FEDERAL FUNDS FOR ADDITIONAL MINE TRAINING PROGRAMS AT WALKER STATE TECHNICAL COLLEGE.

On motion of Mr. Crowe, the resolution, H. J. R. 254, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 355, and ordered same returned to the House with a favorable report:

ESTABLISHING A CENTRAL COMPUTER REGISTRATION SYSTEM.

On motion of Mr. Owens, the resolution, H. J. R. 355, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 363, and ordered same returned to the House with a favorable report:

TO CREATE A COMMITTEE FOR A FORESTRY PRACTICES STUDY.

The resolution, H. J. R. 363, was adopted.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 374. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on the 31st Legislative Day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

The following Bills:

H. B.	337	page 22	State Employees Retirement
H. B.	336	page 22	Teacher's Retirement
H. B.	936	page 107	Maximum Charge for Default
H. B.	891	page 2	Capital Outlay USA
H. B.	942	page 97	Security Guards Shelter
H. B.	345	page 177	Capitol Hostesses
H. B.	659	page 128	Capital Outlay Auburn
H. B.	1417	page 129	Former Teachers Colleges
H. B.	1316	page 107	Capitol Preservation
H. B.	63	page 130	State Employees Retirement
H. B.	475	page 12	Tag for Governor
H. B.	852	page 28	State Employees
H. B.	851	page 28	State Employees
H. B.	286	page 46	County Government
H. B.	283	page 125	County Government
H. B.	288	page 84	County Government
S. B.	460	page 189	Railroad Police
S. B.	461	page 190	Hobo Bill
H. B.	348	page 143	Consumer Protection
H. B.	94	Page 13	Mileage for Legislators
H. B.	1315	page 176	Sea Food
H. B.	1707	page 194	Hospital Bonds
H. B.	1764	page 221	Right of Privacy-Banks
H. B.	1250	page 115	Boat Ramps
H. B.	963	page 169	Probate Judges
H. B.	600	page 157	Optometry
H. B.	971	page 240	Pardons & Paroles
H. B.	788	page 31	Child Abuse
H. B.	1642	page 202	Moratorium on Construction
H. B.	1782	page 226	Nursing Homes
H. B.	1783	page 226	Transfer of Assets
H. B.	1784	page 226	Audit of Nursing Homes
H. B.	1785	page 226	Medicaid Patients
H. B.	962	page 240	State Social Security
H. B.	1586	page 199	Mine Safety
H. B.	413	page 23	Agriculture
H. B.	415	page 24	Agriculture
H. B.	416	page 26	Agriculture
H. B.	548	page 78	Agriculture
H. B.	549	page 78	Agriculture
H. B.	550	page 79	Agriculture
H. B.	552	page 79	Agriculture
H. B.	694	page 89	Agriculture

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H. B. 1684	page 228	Agriculture
H. B. 1388	page 113	Agriculture
H. B. 498	page 14	Ft. Morgan
H. B. 1378	page 123	School Bus Drivers
H. B. 1271	page 168	Torts Liability
H. B. 1365	page 109	False Ambulance Calls
H. B. 524	page 14	County School Boards
H. B. 912	page 179	Norwood Clinic
H. B. 913	page 178	Norwood Clinic
H. B. 1197	page 62	State Toxicologists
H. B. 1160	page 96	Supernumerary Tax Collectors & Assessors
H. B. 616	page 196	Supernumerary Sheriffs
H. B. 672	page 137	Supernumerary Clerks
H. B. 636	page 44	Reviews sentences
H. B. 987	page 169	Educational incentive for State Troopers
H. B. 395	page 2	Blood Bill
H. B. 352	page 11	False Advertising
H. B. 767	page 18	Land Surveyors
H. B. 768	page 19	Land Surveyors
H. B. 752	page 60	Search Warrants
H. B. 1647	page 204	School Transportation
H. B. 1509	page 142	Highway Fee
H. B. 122	page 98	Vital Statistics
H. B. 1433	page 105	Health Department
H. B. 1537	page 200	Forestry Commission
H. B. 1273	page 122	Forestry Commission
H. B. 961	page 51	Forestry Commission
H. B. 1171	page 77	Forestry Commission
H. B. 758	page 138	Escambia County State Inmates
H. B. 200	page 121	Mansion
H. B. 253	page 85	Tire Tread
H. B. 1043	page 106	Health Dept.
H. B. 1642	page 202	Health Dept.
H. B. 1171	page 77	Board of Registrars
H. B. 484	page 15	Conservation Dept.
H. B. 706	page 15	Conservation Dept.
H. B. 1406	page 92	Conservation Dept.
H. B. 1477	page 117	Conservation Dept.
H. B. 289	page 174	Student Aid
H. B. 886	page 56	Mental Health
H. B. 887	page 57	Mental Health
H. B. 888	page 57	Mental Health
H. B. 973	page 129	Mental Health
H. B. 974	page 103	Mental Health
H. B. 1259	page 142	Engineers & Land Surveyors
H. B. 555	page 171	Food Allowance for County Jails
H. B. 1267	page 153	County Water Authorities
H. B. 1208	page 122	Individual Income Tax
H. B. 513	page 13	Credit Union Laws
H. B. 549	page 78	Weight Masters
H. B. 925	page 132	Appropriations for Mobile Homes for Prisons
H. B. 963	page 169	Probate Judges Assn.
H. B. 1077	page 124	Disabled Veterans
H. B. 1078	page 124	Disabled Veterans
H. B. 561	page 5	Volunteer fire dept.
H. B. 900	page 178	County District Attorneys
H. B. 134	page 5	Federal Income Tax Rebate
H. B. 1167	page 92	Prohibits net fishing in Tenn. River
H. B. 1538	page 161	State Parks
H. B. 604	page 95	Workmen's Compensation

H. B.	383	page 12	Chiropractors
H. B.	600	page 157	Optometry
H. B.	291	page 195	Vending Machines
H. B.	989	page 88	Rabies Control
H. B.	988	page 88	Vet. Assistant
H. B.	1345	page 104	Review Prison Sentences
H. B.	762	page 17	Mayor's Salaries
H. B.	129	page 89	Speech & Hearing
H. B.	1608	page 174	Student Fees
H. B.	640	page 30	Sod Farmers
H. B.	642	page 194	Governor's Expense
H. B.	655	page 27	Tax exemption
H. B.	524	page 14	County School Boards
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H. B.	719	page 120	Rules of the Road
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H. B.	721	page 39	Rules of the Road
H. B.	722	page 39	Rules of the Road
H. B.	723	page 39	Rules of the Road
H. B.	724	page 40	Rules of the Road
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H. B.	726	page 40	Rules of the Road
H. B.	727	page 40	Rules of the Road
H. B.	728	page 41	Rules of the Road
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H. B.	730	page 41	Rules of the Road
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H. B.	734	page 42	Rules of the Road
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H. B.	737	page 43	Rules of the Road
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H. B.	739	page 43	Rules of the Road
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H. B.	1155	page 136	Voluntary Compliance
H. B.	1666	page 201	Boxing & Wrestling
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H. B.	1069	page 196	Poultry
H. B.	281	page 144	Law Enforcement Officers
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Other Business

Adjournment

On motion of Mr. Drake, the reading of the resolution at length was dispensed with, the rules were suspended and the resolution, H. R. 374, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Andrews, the rules were suspended in order to bring up out of order the third reading of the bill, H. 1080.

The bill, H. 1080, was called, and on motion of Mr. Andrews, the bill, S. 794, was substituted for the bill, H. 1080.

S. 794 POSTPONED

On motion of Mr. Roberts, the bill, S. 794, was postponed to the thirty-second legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1751. To authorize the governing body of Pickens County, Alabama, to call an election in said county for the purpose of determining whether or not the said governing body of Pickens County may levy an additional privilege or license and excise and sales tax equalling one-half of one cent and paralleling, with like provisions in Pickens County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 and the amendments thereto; providing for the collection thereof; and providing that one-half of the revenues arising from any levy made by said governing body of said county under

authority of this act shall be paid to the Pickens County Hospital Association for the operation and maintenance of public hospitals in said county and the remaining one-half of such revenue shall be paid to the Pickens County Commission for use by it for public health purposes in said county.

Also:

H. 1750. To amend Sections 4 and 5 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama to provide that of the proceeds from Pickens County sales and use taxes levied thereby the first \$120,000 in each fiscal year shall be paid over to Pickens County Hospital Association and used by it solely for paying the costs of acquiring, constructing, equipping, operating, and maintaining a new public hospital facility in or near the Town of Carrollton, Alabama, that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Hospital Association for the operation and maintenance of such new public hospital facility, and that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Commission for use by it for public health purposes; to order an election in Pickens County on the question of whether Pickens County Hospital Association should consolidate public hospital facilities and services in such county through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment of a new public hospital facility in or near the Town of Carrollton, Alabama; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of the consolidation of such public hospital facilities and services.

Also:

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

Also:

H. 1534. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the circuit clerk and register.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. Robertson:

H. J. R. 375. DIRECTING THE ALABAMA PEACE COMMISSION TO PROCEED FORTHWITH TO THE STATE OF MASSACHUSETTS TO MEET, CONFER AND ADVISE THE MASSACHUSETTS LEGISLATURE ON RESOLVING THE CALAMITOUS CONDITIONS AND COMPLEX ISSUES FACING ITS CITIZENS.

WHEREAS the State of Massachusetts and in particular the City of Boston finds itself in a state of confusion, frustration, and calamitous conditions as a result of the recent federal court directives making mandatory the disruptive and futile shuffling of the precious lives of its children; and

WHEREAS the 188 year old State of Massachusetts has never been faced with the reverberating consequences to the cherished concepts of neighborhood, home and family which emanate from such school bussing guidelines; and

WHEREAS the State of Alabama has great empathy with the City of Boston and the issues facing it because over ten years ago Alabama citizens experienced the strife and unrest and were forced to accept their responsibilities of resolving the problems wrought by federal court orders on mandatory bussing of the precious lives of its children; and

WHEREAS when during the tumultuous months of 1965 the citizens of our beloved state and this state legislature grappled with the complex issues of complying with the federal court mandates, many citizens of the great abolitionist State of Massachusetts came to Alabama as clarions of expertise in the scientific rationale of bussing, and one of the most famous of these citizens was the mother of the then governor of Massachusetts, Endicott Peabody; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature does direct the Alabama Peace Commission to proceed forthwith to the State of Massachusetts to meet, confer and advise the Legislature of Massachusetts in resolving the chaotic conditions, the strife and unrest facing all of its citizens and particularly all Bostonians, and help them to once again achieve peace and tranquility as has the State of Alabama.

BE IT RESOLVED, That Representative Alvin Holmes be instructed to accompany the Commission to Preserve the Peace to the state of Massachusetts as a consultant.

BE IT FURTHER RESOLVED That copies of this resolution be sent to the Legislature of Massachusetts, the Governor of Massachusetts, Mayor Kelvin White of Boston, and the Alabama Peace Commission.

MOTION TABLED

On motion of Mr. Robertson, the motion offered by Mr. Manley requiring members of the Alabama Peace Commission to travel by bus to Massachusetts, pursuant to the resolution, H. J. R. 375, was tabled.

Yeas 36; Nays 31.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Carothers, Carter, Coburn, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hopping, Johnson, LeFlore, McCluskey, McCulley, McNeese, Malone, Martin, Mitchem, Moore (O), Narmore, Rich, Roberts, Robertson, Sandusky, Shelton, Sonnier, Starkey, Tucker, Warren, Whatley and White.

—36

Nays:

Messrs.: Armstrong, Barron, Boles, Campbell, Clark, Cooper, Cross, Dial, Edwards, Ford, Glass, Gregg, Harrison, Howard, Jackson (F), Johnstone, Kennedy, Kinsey, Leonard, Lockett, Manley, Merrill, Moore (W), Morris, Porter, Riddick, Smith (M), Taylor, Venable, Williams and Wyatt.

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DIVISION OF THE QUESTION

The motion of Mr. Manley for the Division of the Question was lost.

And the resolution, H. J. R. 375, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 1377. Relating to all counties having populations of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; providing an additional allowance of \$.25 per capita daily to the sheriff for feeding prisoners; and repealing conflicting laws.

Having been postponed on the twenty-eighth legislative day, was taken up.

H. 1377 POSTPONED

On motion of Mr. Cates, the bill, H. 1377, was postponed to the thirty-third legislative day.

And the bill:

H. 1469. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Shelby County, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, furnishing water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services, and the guarding and protection of lives and property; to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; and to ratify and confirm any such law enacted by the Legislature at or after its present session but prior to the ratification of the proposed amendment.

Having been postponed on the thirtieth legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Johnstone, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—67

And the bill:

H. 1430. To provide for creating in every county of the state having a population of 600,000 or more, according to the last or any subsequent federal census, service districts wherein one or more services, facilities and functions described in this Act may be financed, provided or maintained in addition to, or to a greater extent than, such services, facilities and functions are provided or maintained for the entire

county; to provide that such services, facilities and functions which may be provided or maintained in such service districts, as aforesaid, shall include the following services, facilities and functions: (1) fire control, prevention and protection; (2) water supply and water distribution systems; (3) sewage collection and disposal systems; (4) solid waste collection and disposal systems; (5) storm sewers; (6) incinerators; (7) recreation facilities; (8) street lighting; (9) police protection; and (10) such other services, facilities and functions as the electors of a service district approve at an election; to provide what territory of the county may be included in such service districts; to provide the procedure for creating such service districts; to provide for the levying of service charges to finance providing and maintaining such services; to provide that the governing body of the county, after a public hearing on the creation of a proposed district may adopt a resolution requesting the probate judge of the county to call an election in the proposed service district on the question of whether such proposed district shall be created; to provide that any such resolution requesting that such election be called shall state the proposed service charge which the governing body of the county shall be authorized to levy if the proposed service district is created; to provide that upon any service district being created at an election then the county governing body shall be authorized to levy the service charge provided for in the election resolution; to provide that such service charges shall be the obligation of the persons to whom such services are furnished or are made available; to provide that the governing body of the county may reduce such service charges; to provide that no service charge shall be increased and that no additional service charge shall be levied unless such increase or such additional service charge has been first approved at an election held in the district; to provide that a service charge may be increased and that an additional service charge may be levied if such increase or such additional service charge has been approved at an election in the district; to provide for the expansion of districts; to authorize the county and any municipality, fire district, garbage district, fire and garbage district, or any other public corporation in the county, to enter into agreements providing for cooperation between the county and such other public corporations in furnishing services provided for by this Act; to provide that this Act shall be cumulative and not restrictive of the powers the laws otherwise confer upon the governing body of any such county.

Having been passed as amended and reconsidered on the thirtieth legislative day was taken up.

H. 1430 POSTPONED

On motion of Mr. White, the bill, H. 1430, was postponed to the thirty-second legislative day.

And the bill:

H. 1697. Relating to counties having populations of not less than 57,000, nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for and prescribing the manner of abating and of reinstating the enforcement in such counties of rules and regulations of the state board of health by the county commission or other governing body of such counties.

Having been temporarily carried over on the thirtieth legislative day, was taken up.

H. 1697 POSTPONED

On motion of Mr. Kinsey, the bill, H. 1697, was postponed to the thirty-second legislative day.

H. 837 RECONSIDERED

Having voted on the prevailing side and previously filed a Notice in Writing, Mr. Teague moved to reconsider the vote by which the bill, H. 837 with Senate amendment, was passed, and the motion was adopted.

COMMITTEE ON CONFERENCE GRANTED

On motion of Mr. Teague, the House non-concurred in the Senate amendment to the bill, H. 837, and requested a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 837.

The Speaker of the House named as the Committee on Conference on the part of the House Messrs. Teague, Dial and McCluskey.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1500. Authorizing and prescribing the circumstances under which the governing body of any county having a population of 600,000 or more according to the last or any subsequent Federal decennial census shall levy an additional privilege, license or excise tax of one cent (1¢) per gallon on the sale, distribution, storage, withdrawal from storage, use or other consumption of gasoline in such county; providing for the collection and enforcement of the tax, the distribution thereof to said county and to the municipalities in said county, requiring that two per cent (2%) commission or fee for collection shall be paid to the general treasury of said county, and of the remainder, requiring that at least fifty per cent (50%) of such proceeds be applied by such county or each such municipality for the support of public mass transit if there be a public transit authority operating a mass transportation system or service within such county and municipality therein, and that fifty per cent (50%) of said proceeds allocated to the county and to each municipality therein be held by the Probate Judge or License Inspector, if there be such a License Inspector, as agent for said county and the municipalities therein, in a fund to be called The Health Contingency Fund from which sums shall be paid to the Health Department of such county pursuant to budget approval by the County Commission as the health budget control body for such county and municipalities providing that such funds paid to the Health Department shall not total less than fifty per cent (50%) of such said Health Contingency Fund with the balance of such fifty per cent (50%) not paid to the Health Department to be paid to the county and municipalities therein for use by the governing bodies thereof for health, welfare, and other general purposes, and any part of the aforesaid fifty per cent (50%) share not appropriated to such transit authority be applied for mass transit purposes and for the construction and maintenance of streets, highways, roads, bridges, overpasses, underpasses, and parking facilities or for equipment, facilities, and traffic control services respecting the use thereof by motor vehicles, or for health, welfare, and other general purposes.

Was taken up.

Mr. Boles offered the following amendment to the bill:

Amend H. B. 1500 by striking out all provisions of the act that call for fifty percent (50%) and insert in lieu thereof the words thirty-three and one third percent (33 1/3%) and add to all provisions wherever appropriate the following:

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the county and municipal governing bodies shall receive thirty-three and one-third (33 1/3%) of such funds to be spent only for employee benefits such as pensions, health insurance.

And the amendment was adopted.

Yeas 27; Nays 3.

Yeas:

Messrs.: Andrews, Boles, Coburn, Cross, Drake, Ford, Glass, Goodwin, Gregg, Hall, Hines, Hopping, Jackson (R), Jolly, Kelley, Kennedy, Kinsey, Lutz, McCulley, McMillan, Mitchem, Rich, Shelton, Taylor, Tucker, Warren and White.

—27

Nays: Messrs.: Harrison, Leonard and McNair.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1500. Authorizing and prescribing the circumstances under which the governing body of any county having a population of 600,000 or more according to the last or any subsequent Federal decennial census shall levy an additional privilege, license or excise tax of one cent (1¢) per gallon on the sale, distribution, storage, withdrawal from storage, use or other consumption of gasoline in such county; providing for the collection and enforcement of the tax, the distribution thereof to said county and to the municipalities in said county, requiring that two per cent (2%) commission or fee for collection shall be paid to the general treasury of said county, and of the remainder, requiring that at least thirty-three and one-third percent (33 1/3%) of such proceeds be applied by such county or each such municipality for the support of public mass transit if there be a public transit authority operating a mass transportation system or service within such county and municipality therein, and that thirty-three and one-third percent (33 1/3%) of said proceeds allocated to the county and to each municipality therein be held by the Probate Judge or License Inspector, if there be such a License Inspector, as agent for said county and the municipalities therein, in a fund to be called The Health Contingency Fund from which sums shall be paid to the Health Department of such county pursuant to budget approval by the County Commission as the health budget control body for such county and municipalities providing that such funds paid to the Health Department shall not total less than thirty-three and one-third percent (33 1/3%) of such said Health Contingency Fund with the balance of such thirty-three and one-third percent (33 1/3%) not paid to the Health Department to be paid to the county and municipalities therein for use by the governing bodies thereof for health, welfare, and other general purposes, and any part of the aforesaid thirty-three and one-third (33 1/3%) share not appropriated to such transit authority be applied for mass transit purposes and for the construction and maintenance of streets, highways, roads, bridges, overpasses, underpasses, and parking facilities or for equipment, facilities, and traffic control services respecting the use thereof by motor vehicles, or for health, welfare, and other general purposes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 9; Nays 8.

Yeas:

Messrs.: Harrison, Hopping, Howard, Jackson (R), Leonard, McNair, Porter, Tucker and White.

—9

Nays:

Messrs.: Andrews, Armstrong, Gafford, Hall, Jolly, Kennedy, Moore (O) and Waggoner.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 158. Providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations in Madison County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 860. Relating to the Sixteenth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard,

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Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1841. Relating to all counties having populations of 10,660 or less according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as herein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—83

Nays: Messrs. Drake and Sparks.

—2

And the bill:

H. 1842. Relating to all counties having populations of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; authorizing the county governing body to hire deputy sheriffs, subject to available county funding for such purposes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J),

Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1843. Relating to all counties having a population of not less than 10,900, nor more than 11,500 inhabitants according to the most recent federal decennial census; authorizing the governing bodies to establish within any such county or in any municipality located within any such county ambulance service on a non-profit basis; further authorizing any such county to join with any one or more municipality within the county in the establishment of such ambulance service; providing the manner and procedure for establishing the same; authorizing appropriations of public funds and charging certain fees for such service; and exempting from tort liability any such county and municipality while operating ambulances or providing ambulance service as authorized herein.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1844. Relating to counties having populations of not less than 10,900 nor more than 11,500; to provide for the maintenance of certain rights-of-way.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1848. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Was taken up.

Mr. Ford offered the following amendment to the bill:

In Section 2, on page 2, beginning on line 1, strike out the following words and figures:

"If there exists in any city to which this act applies a policemen's and firemen's retirement fund and a board of trustees of such fund, pursuant to any other law, general or local, such fund shall after this act becomes law be governed by this act and"; and insert in lieu thereof the following:

The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund

Also in Section 5, on page 4, line 18, after the word "thereof" insert the following:

or a majority of the board of trustees

Also in Section 5, on page 6, after line 7 and as a part of said Section 5, insert the following two new subsections:

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen and firemen's pension fund.

Also in Section 12, subsection 2, page 11, line 28 and line 34, strike out the figures "\$7,000.00" and insert in lieu thereof the figures: \$5,000.00

And in this same section, on page 11, line 32 and on page 12, line 5, strike out the figures "\$8,000.00" and insert in lieu thereof the figures: \$6,000.00

Also in Section 14, on page 13, line 13, strike out the figures "\$7,000.00" and insert in lieu thereof the figures: \$5,000.00

And in this same section on page 13, line 18, strike out the figures "\$8,000.00" and insert in lieu thereof the figures: \$6,000.00

Also, in Section 26, page 19, line 22, strike out the word, "party" and insert in lieu thereof the following words: contributing member,

Also in Section 7, page 9, line 13, after word "Companies" insert or by a majority vote of policemen and firemen up to 100% of said fund may be invested in any sound financial institution to include Insurance Companies or Bank or Trust Companies.

Amend Section 20 on Page 17 by deleting the entire Section and substituting in lieu thereof the following:

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

- (A) From 0 to and including the 5th year said employee will receive 100% of all amounts he or she has contributed to said fund.
- (B) From 6 to and including the 10th year said employee will receive 100% of all amounts he or she has contributed plus an amount equal to 2% per year of employment contributed by the City of Gadsden.
- (C) From 11 to and including 20th year said employee will receive 100% of all amount he or she has contributed plus amount equal to 3% per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill, H. 1848 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Rich as co-sponsor to the bill, H. 1848.

And the bill:

H. 1853. To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; and to provide for the abandonment of the existing form of government.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1857. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for service of process in civil cases by registered mail.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1858. To apply only in counties having a population of not less than 57,000 nor more than 61,000; providing for service of witness subpoenas by mail.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1860. Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1861. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1863. Relating to all counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; further regulating the taking of fish from public streams and impounded waters; authorizing the taking of non-game fish by the use of wire mesh baskets, thread hoop nets, or wooden baskets, and prescribing a license tax therefor; and prescribing penalties for violations of the act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1868. To amend further Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial,

Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1876. To further amend Section 1 of Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159) as amended by Act No. 1183, H. 1344, approved September 13, 1969 (Acts of Alabama 1969, Vol. III, Page 2212) entitled "An Act to amend Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159), an Act fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees" so that said Act after passage and approval of this Act by the Governor or its otherwise becoming law, shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

H. 1348 TEMPORARILY CARRIED OVER

On motion of Mr. Greer, the bill, H. 1348, was temporarily carried over.

And the bill:

H. 1688. Relating to counties having a population of not less than 22,250 nor more than 23,000 inhabitants according to the most recent federal decennial census; to provide that no claim presented to the county commission need be sworn to and that no testimony need be presented as to whether any part of such claim has been previously paid.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial,

Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1835. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—82

Nays: Messrs.: Drake, Naramore and Sparks.

—3

And the bill:

H. 1836. To provide an additional expense allowance for the circuit court reporters of the Ninth Judicial Circuit by the counties composing said circuit.

Was taken up.

H. 1836 POSTPONED

On motion of Mr. Killian, the bill, H. 1836, was postponed to the thirty-second legislative day.

And the bill:

H. 1837. Relating to counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census; providing for the salaries of the chairman and associate members of the civil service boards of such counties and repealing all conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1838. Relating to Dale County, amending Act No. 2038, H. 2618, Regular Session 1971 (Acts 1971, p. 3270), which act prohibits certain sales of alcoholic beverages in said county, so as to allow the sale of malt and brewed beverages for off-premises consumption.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 82; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—82

Nays: Messrs.: Drake, Naramore and Sparks.

—3

And the bill:

H. 1845. To create a 12 member Board to serve as a County Wide Rural Sanitation Board, for Marshall County, Alabama to assist in obtaining sewage treatment and disposal facilities for said County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore,

Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1850. Relating to the thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1851. Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Was taken up.

Mr. Cates offered the following amendment to the bill:

Amend H. B. 1851 on line 20 of page 1 by deleting the figure \$10.00 and inserting in lieu thereof the figure \$7.00.

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick,

Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill, H. 1851 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1852. Relating to Escambia County; to give the members of the county commission an additional monthly expense allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill:

H. 1862. Relating to all counties having a population of not less than 35,000 nor more than 38,000 inhabitants according to the most recent federal decennial census; further regulating the taking of fish from public streams and impounded waters; authorizing the taking of non-game fish by the use of wire mesh baskets, thread hoop nets, or wooden baskets, and prescribing a license tax therefor; and prescribing penalties for violations of the act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
31st Day

3091

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

BILLS POSTPONED

On motion of Mr. Killian, the bills, H. 1864, H. 1865, H. 1866 and H. 1867, were postponed to the thirty-second legislative day.

And the bill:

H. 1874. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 84; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—84

And the bill:

H. 1875. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of

fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—83

And the bill:

H. 1348. To provide for supplementing the salaries or compensation paid to semi-retired or retired circuit judges in the 11th Judicial Circuit.

Having been temporarily carried over, was taken up.

Mr. Greer offered the following amendment to the bill:

Amend H. B. 1348 on page 1, line 23 by deleting the word "25%" and adding in lieu thereof the word

"1½%"

Also on page 1, line 24 by adding the following after the word Alabama:

"for each year served as circuit judge up to a maximum of 25%".

And the amendment was adopted.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

And the bill, H. 1348 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

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Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—85

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Biddle voting "Yea" on all local bills.

MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. White moved to reconsider the vote by which the bill, H. 1500 as amended, was passed.

MOTION TO TEMPORARILY CARRY OVER LOST

The motion offered by Mr. Jackson (R) to temporarily carry over reconsideration of the bill, H. 1500, was lost.

MOTION TO TABLE LOST

The motion offered by Mr. Harrison to table the motion offered by Mr. White to reconsider the vote by which the bill, H. 1500 as amended, was passed, was lost.

Yeas 5; Nays 13.

Yeas: Messrs.: Harrison, Howard, Jackson (R), Porter and Tucker. —5

Nays:

Messrs.: Andrews, Armstrong, Biddle, Gafford, Hall, Hopping, Jolly, Leonard, McNair, Moore (O), Trammell, Waggoner and White.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 1500 RECONSIDERED

The question was then on the motion offered by Mr. White to reconsider the vote by which the bill, H. 1500 as amended, was passed, and the motion was adopted.

Yeas 10; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Gafford, Hall, Jolly, Moore (O), Trammell, Waggoner and White.

—10

Nays:

Messrs.: Harrison, Howard, Jackson (R), Leonard, McNair, Porter and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 1500 POSTPONED

On motion of Mr. White, the bill, H. 1500, was postponed to the thirty-second legislative day.

Yeas 11; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Falkenburg, Gafford, Hall, Jolly, Moore (O), Trammell, Waggoner and White.

—11

Nays:

Messrs.: Harrison, Hopping, Howard, Leonard, McNair, Porter and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 1633 RECONSIDERED

Having voted on the prevailing side and previously filed a Notice in Writing, Mr. Gafford moved to reconsider the vote by which the bill, H. 1633 as amended, was lost, and the motion was adopted.

Yeas 55; Nays 28.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Higginbotham, Holley, Holmes, Kelley, Kennedy, Killian, Kinsey, Lutz, McCulley, McMillan, Malone, Manley, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Rich, Riddick, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Venable, Waggoner, Warren, Whatley, White and Williams.

—55

Nays:

Messrs.: Boles, Coburn, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hopping, Howard, Johnson, Johnstone, Jolly, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNair, Martin, Merrill, Porter, Roberts, Taylor, Trammell, Tucker, Turnham and Wyatt.

—28

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Mr. Manley offered the following amendment No. 4 to the bill, H. 1633 as amended:

Amend H. B. 1633 as follows:

Insert the following words at the end of section 217 (c) on page 3 immediately following the word "best use".

However, when and if such property assessed at its current use is changed to a use which results in a higher assessed value, then the Legislature may provide for a three year retroactive tax levy based upon the higher assessed value to which the property use has been changed.

And the amendment was adopted.

Yeas 84; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore, (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—84

Nay: Mr. Howard.

—1

Mr. Manley offered the following amendment No. 5 to the bill, H. 1633 as amended:

Amend House Bill 1633 by adding after the words "within a county," on page 2, line 30, in Section (c) of the proposed constitutional amendment, the words:

Such ratios previously fixed by act of the Legislature under present constitutional provisions shall remain in full force and effect until changed by further legislative action.

And the amendment was adopted.

Yeas 83; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping Jackson (F), Johnson Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—83

Nays: Messrs. Howard and Leonard.

—2

Mr. Johnson offered the following amendment to the bill, H. 1633 as amended:

Amend H. 1633 on Page 3 lines 30, 31, and 35 by deleting the following words wherever they appear:

"twenty percent (20%)"

and adding in lieu thereof the following:

"fifty percent (50%)"

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Albright to postpone the bill, H. 1633 as amended, to the thirty-second legislative day and make it the first order of business of the day was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of bills on Special Order.

And the bill:

H. 337. To provide that a retired member of the State Employees' Retirement System may earn up to \$4,800 from any source without affecting their retirement pay.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—77

And the bill:

H. 336. To provide that a retired member of the Teachers' Retirement System of Alabama may earn up to \$4,800 from any source without affecting their retirement pay.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 88; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly,

Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—88

And the bill:

H. 936. To amend Section 3 of Act No. 2053, S. 122, 1971 Regular Session (Acts of 1971, p. 3290; now appearing in Code of Alabama, Re-compiled 1958, Title 5, Section 318), entitled "To provide maximum finance charges for loans and credit sales; to regulate extensions of credit, including consumer loans, consumer credit sales and consumer leases; to provide penalties for violation of this Act; and to authorize the Superintendent of Banks to administer this Act"; so as to set a limit on collection of default of one hundred dollars (\$100.00).

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, Lutz, McNair, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Whatley, White and Williams.

—73

And the bill:

H. 891. To make appropriations from the state treasury to the use of the Board of Trustees of the University of South Alabama, located in Mobile, Alabama for capital outlay purposes.

Was taken up.

Mr. Holley offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations from the Special Educational Trust Fund in the state treasury for capital outlay purposes at certain state institutions of higher learning.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made there is hereby appropriated from the Alabama Special Educational Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to be used for capital outlays and capital improvements only, the following amounts for specific projects:

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A. To the Board of Trustees of the University of South Alabama, located in Mobile, for the development of the college of Medicine and the Teaching Hospital:

- (1) To provide facilities for ambulatory care and for education emphasizing primary care including family practice and for support facilities\$4,600,000.00
- (2) To provide remote site family practice clinic facilities\$ 500,000.00

B. To the Board of Trustees of Auburn University located in Auburn, Alabama:

- (1) To build a new Engineering Building on the main campus 5,000,000.00
- (2) To build a new Vocational Teacher Training Center on the main campus 2,200,000.00
- (3) To relocate the Department of Buildings and Grounds 1,350,000.00
- (4) Auburn University at Montgomery 4,000,000.00

C. To each of the Boards of Trustees of the University of North Alabama, located at Florence, Alabama, Jacksonville State University, located in Jacksonville, Alabama, Troy State University, located in Troy, Alabama, and Livingston University, located at Livingston, Alabama:

To purchase land and to improve land to include the construction of new university facilities, for each university3,000,000.00

D. To the State Board of Education, to be allocated and used, in the discretion of such State Board of Education, for acquisition and improvement of land, including the construction of new buildings and the renovation and equipping of existing buildings.

- (1) At the several State Junior Colleges25,000,000.00
- (2) At the State trade or technical institutions15,000,000.00

E. In addition to all other appropriations heretofore made to the University of Alabama located in Tuscaloosa, Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund in the State Treasury, for the fiscal year ending September 30, 1976, to the use of the board of trustees of said university, to be used for capital outlays and capital improvements only, the following amounts for the specific projects:

1. To build a new building for Continuing Education and Alumni Affairs\$ 5,000,000.00
 2. For additions to Gallalee Hall\$ 2,000,000.00
- F. To the University of Montevallo\$ 500,000.00

G. In addition to all other appropriations made to the Alabama Agricultural and Mechanical University there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury for the fiscal year ending September 30, 1976, to the use of the State Department of Education for the Alabama Agricultural and Mechanical University to be used for capital outlay purposes the amount of five million dollars(\$5,000,000.00).

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H. In addition to all other appropriations made to the University of Alabama in Huntsville there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of The University of Alabama for the University of Alabama in Huntsville to be used for capital outlay purposes the amount of five million dollars (\$5,000,000.00).

Total \$78,150,000.00

Section 2. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940.

Section 3. This Act shall become effective October 1, 1975.

MOTION TO POSTPONE TABLED

On motion of Mr. Callahan, the motion offered by Mr. Mitchem to postpone the bill, H. 891 with the pending substitute, to the thirty-third legislative day, was tabled.

Yeas 43; Nays 24.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Carter, Cooper, Crowe, Falkenburg, Folmar, Ford, Goodwin, Higginbotham, Hines, Holley, Johnstone, Jolly, Kennedy, Kinsey, Lee, LeFlore, Leonard, McCulley, McMillan, McNair, McNees, Malone, Moore (W), Morris, Naramore, Plaster, Roberts, Sandusky, Sasser, Sonnier, Turnham, Venable, Waggoner, Warren, Weeks and Whatley.

—43

Nays:

Messrs.: Barron, Brindley, Carothers, Cates, Coburn, Cross, Dial, Hall, Hill, Holmes, Johnson, Kelley, Lewis, Lutz, Mitchem, Rich, Riddick, Robertson, Smith (B), Smith (J), Smith (M), Taylor, Trammell and Wyatt.

—24

The question was then on the adoption of the substitute offered by Mr. Holley to the bill, H. 891, and the substitute was adopted.

Yeas 76; Nays 4.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—76

Nays: Messrs. Dial, Lutz, Rich and Smith (M).

—4

Mr. Hall offered the following amendment to the bill, H. 891 as amended:

Amend Section 3 by adding the following:

Section 3. The appropriation made herein is conditional upon the condition of the Alabama special educational trust fund as ascertained by the Governor, and shall be released only upon orders of the Governor. The funds will be released on an equal basis with respect to a proportional amount going to each institution when any money is released.

AMENDMENT TABLED

On motion of Mr. Callahan, the amendment offered by Mr. Hall to the bill, H. 891 as amended, was tabled.

Yeas 46; Nays 21.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Carter, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Goodwin, Hines, Johnstone, Kennedy, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Teague, Turnham, Venable, Waggoner, Warren and Whatley.

—46

Nays:

Messrs.: Boles, Brindley, Greer, Hall, Harrison, Hill, Holley, Holmes, Hopping, Howard, Johnson, Kelley, Leonard, Lewis, Mitchem, Rich, Robertson, Smith (M), Starkey, Taylor and Wyatt.

—21

Mr. Smith (M) offered the following amendment to the bill, H. 891 as amended:

Amend H. B. 891 as substituted, page 3, line 26 by inserting the following:

In addition to all other appropriations the Southern Union State Junior College, add the amount of \$1,850,000.00.

AMENDMENT TABLED

On motion of Mr. Callahan, the amendment offered by Mr. Smith (M) to the bill, H. 891 as amended, was tabled.

Yeas 51; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Biddle, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Cross, Dial, Drake, Folmar, Ford, Goodwin, Harris, Hill, Hines, Holley, Johnson, Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Lutz, McCluskey, McMillan, McNees, Malone, Merrill, Moore (O), Morris, Naramore, Owens, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sonnier, Teague, Turnham, Waggoner, Whatley and White.

—51

Nays: Messrs.: Boles, Lewis, Smith (M) and Wyatt.

—4

Mr. McCluskey offered the following amendment to the bill, H. 891 as amended:

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Amend the substitute for House Bill 891 by adding after Section H, a new Section I, Lines____, the words: 2 million for Alabama Institute for Deaf and Blind.

And the amendment was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—79

MOTION TO RECOMMIT

Mr. Albright offered the motion to recommit the bill, H. 891 as amended, to the Standing Committee on Ways and Means.

MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the motion offered by Mr. Albright was lost.

Yeas 30; Nays 43.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Cooper, Folmar, Ford, Glass, Goodwin, Hines, Holley, Johnstone, Kennedy, Kinsey, LeFlore, Lockett, McCluskey, McCulley, McMillan, Malone, Morris, Plaster, Sandusky, Sonnier, Turnham, Waggoner and Weeks.

—30

Nays:

Mr. Speaker, Albright, Barron, Clark, Cross, Dial, Edwards, Gafford, Hall, Harris, Higginbotham, Holmes, Hopping, Howard, Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McNees, Manley, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Venable, Warren and White.

—43

H. 891 RECOMMITTED

The question was then on the motion offered by Mr. Albright that the bill, H. 891 as amended, be recommitted, and the motion was adopted.

Yeas 47; Nays 37.

Yeas:

Mr. Speaker, Albright, Andrews, Barron, Cates, Clark, Cross, Dial, Drake, Edwards, Greer, Hall, Harris, Harrison, Holmes, Hopping, Howard,

Jolly, Kelley, Killian, Leonard, Lewis, Lutz, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Quarles, Rich, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Taylor, Teague, Trammell, Venable, Warren, White and Wyatt.

—47

Nays:

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Coburn, Cooper, Folmar, Ford, Glass, Goodwin, Higginbotham, Hines, Holley, Johnstone, Kennedy, Kinsey, LeFlore, McCluskey, McCulley, McMillan, Malone, Martin, Moore (W), Morris, Plaster, Riddick, Roberts, Robertson, Sandusky, Sonnier, Turnham, Waggoner and Whatley.

—37

The Speaker recommitted the bill, H. 891 as amended, to the Standing Committee on Ways and Means.

RESOLUTION

The following resolution was introduced:

By Mr. McCluskey:

H. J. R. 376. THANKING THE UNIVERSITY OF ALABAMA CENTER FOR BUSINESS AND ECONOMIC RESEARCH, THE ALABAMA LEAGUE OF MUNICIPALITIES, THE ALABAMA DEVELOPMENT OFFICE, AND THE ALABAMA STATE CHAMBER OF COMMERCE FOR RESEARCH STUDY ON CHARACTERISTICS OF HOUSE AND SENATE DISTRICTS.

WHEREAS, the new reapportionment of the Alabama Legislature resulted in House and Senate Districts which cut across all traditional political boundary lines in this State; and

WHEREAS, the makeup of the new districts left Representatives and Senators without a reliable source of information on the economic, demographic and social characteristics of their own constituencies; and

WHEREAS, this unmet need was recognized in the Spring of 1975 by the Alabama League of Municipalities, which recruited the assistance of the University of Alabama Center for Business and Economic Research, the Alabama Development Office, and the Alabama State Chamber of Commerce in conducting a research study to assemble and print the 1970 Federal Census statistics by legislative districts; and

WHEREAS, the development of the study necessitated a complete reprogramming of existing Census data, which The University of Alabama Center for Business and Economic Research spent considerable time and expense to complete; and

WHEREAS, the results of this study have now been presented to each Representative and Senator, providing them with extremely valuable information on the characteristics of their own districts; and

WHEREAS, the Legislature Reference Service has been presented with a complete set of the studies for all House and Senate Districts, representing 1,200 pages of statistics, so that members of the Legislature will have a source of comparative information on their respective districts;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we

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express the thanks of each member of the House and Senate to The University of Alabama Center for Business and Economic Research, the Alabama League of Municipalities, the Alabama Development Office, and the Alabama State Chamber of Commerce for their initiative in perceiving the need for this invaluable data and for their efforts in assembling and producing the material for each House and Senate District.

On motion of Mr. McCluskey, the rules were suspended and the resolution, H. J. R. 376, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Littleton, Fine and Stewart.

McDOWELL LEE,
Secretary.

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 837

We, the committee on conference appointed to reconcile the difference of the two houses concerning the Senate substitute for House Bill 837, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend House Bill 837 by deleting Section 2 and adding in lieu thereof the following:

"Section 2. The compensation of such secretarial assistant for the office of the district attorney shall be set by the district attorney at a sum not exceeding \$500.00 per month. The compensation of such secretarial assistant for the circuit judge shall be set by the circuit judge at a sum not exceeding \$525.00 per month."

Amend House Bill 837 further by adding the following:

Section 6. This Act shall become effective upon the first day of the month following its passage and approval by the Governor or upon its otherwise becoming a law.

Obie J. Littleton
Joe Fine

Conference on the part of the Senate
John A. Teague
Murray P. McCluskey, Jr.
Gerald Dial

Conference on the part of the House

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Teague, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 837, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Clark, Coburn, Cross, Dial, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Higginbotham, Hill, Holley, Hopping, Howard, Jolly, Kelley, Killian, Lewis, McCluskey, McNeese, Martin, Merrill, Moore (O), Moore (W), Pegues, Plaster, Porter, Quarles, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Waggoner, Warren, Weeks and White.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney of the judicial circuit in which such county lies.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, McCluskey, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Waggoner, Warren, Weeks, White and Wyatt.

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MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Crowe to suspend the rules in order to bring up out of order the bill, H. 205, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 942. To make an appropriation to the State Department of Finance, Division of Service, for construction of shelters for security personnel employed at state parking lots.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1751. To authorize the governing body of Pickens County, Alabama, to call an election in said county for the purpose of determining whether or not the said governing body of Pickens County may levy an additional privilege or license and excise and sales tax equalling one-half of one cent and paralleling, with like provisions in Pickens County, such State taxes as are levied by the State of Alabama by Sections 752 through Section 811 and Articles 10 and 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940 and the amendments thereto; providing for the collection thereof; and providing that one-half of the revenues arising from any levy made by said governing body of said county under authority of this act shall be paid to the Pickens County Hospital Association for the operation and maintenance of public hospitals in said county and the remaining one-half of such revenue shall be paid to the Pickens County Commission for use by it for public health purposes in said county.

Also:

H. 1750. To amend Sections 4 and 5 of Act No. 171 enacted at the 1965 Regular Session of the Legislature of Alabama to provide that of the proceeds from Pickens County sales and use taxes levied thereby the first \$120,000 in each fiscal year shall be paid over to Pickens County Hospital Association and used by it solely for paying the cost of acquiring, constructing, equipping, operating, and maintaining a new public hospital facility in or near the Town of Carrollton, Alabama, that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Hospital Association for the operation and maintenance of such new public hospital facility, and that one-half of the remainder of said proceeds from said taxes shall be paid over to the Pickens County Commission for use by it for public health purposes; to order an election in Pickens County on the question of whether Pickens County Hospital Association should consolidate public hospital facilities and services in such county through the closing of the existing hospitals at Aliceville and Reform and the construction and equipment of a new

public hospital facility in or near the Town of Carrollton, Alabama; and to provide that this Act shall become effective only if a majority of those voting at said election vote in favor of the consolidation of such public hospital facilities and services.

Also:

H. 1534. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the circuit clerk and register.

Also:

H. 858. To provide for supplementing the salaries or compensation paid to retired or supernumerary circuit judges in the Thirty-First Judicial Circuit.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

The bill, H. 345, was called, and on motion of Mr. Plaster, the bill, S. 408, was substituted for the bill, H. 345.

And the bill:

S. 408. To provide that all persons employed as guides in the Capitol complex shall be given the classification of "Capitol Hostess" under the provisions of the merit system and provides for additional compensation.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Howard, Jolly, Kennedy, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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H. 345 INDEFINITELY POSTPONED

And the bill:

H. 345. To provide that all persons employed as guides in the Capitol complex shall be given the classification of "Capitol Hostess"

under the provisions of the merit system and provides for additional compensation.

Was taken up.

On motion of Mr. Plaster, the bill, H. 345, was indefinitely postponed.

RESOLUTION

The following resolution was introduced:

By Mr. Kelley:

H. J. R. 377. WHEREAS Alabama abounds in prehistoric, historic era and marine archaeological assets in almost every section of the state; and

WHEREAS Alabama's prehistoric archaeological evidences in the Tennessee Valley, central river area, and Gulf Coast are among the oldest and most significant rock bluff and cave shelters and earthen and shell mounds in Eastern America; and

WHEREAS historic era archaeology provides considerable and vital data relating to Alabama's colonial, pioneer, territorial and early statehood heritage; and

WHEREAS Alabama's rivers, lakes, bay and Gulf contain priceless submerged objects of antiquity which should be re-claimed by professional marine archaeological activity; and

WHEREAS archaeological resources have considerable appeal to tourists and archaeological landmarks serve as visual learning centers for both our youth and Alabama adults

NOW, THEREFORE, BE IT RESOLVED that the Alabama Legislature create the Council of Alabama Archaeology and the Alabama Archaeological Advisory Committee to work with and advise the Alabama Historical Commission on matters relating to archaeological inventory, survey, salvage, excavation, registration, research and development.

The Council shall meet no more than six times a year and shall be composed of professional practicing archaeologists, each representing four year public institution of higher learning with archaeological academic programs and a representative of the Mound State facility.

The Committee shall meet no more than twice a year and shall be composed of two members who reside in North Alabama, two members from Central Alabama and two members from South Alabama and two members of the State at large.

The Committee shall be composed of serious amateur archaeologists or private institutional archaeologists and must be affiliated with the Alabama archaeological society whose president shall be an ex-officio member of the Committee and shall serve as its chairman. The remainder of the members of the Committee shall be chosen for four year terms by the Alabama Historical Commission. The Commission shall serve without compensation or expenses.

On motion of Mr. Kelley, the rules were suspended and the resolution, H. J. R. 377, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 659. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

Was taken up.

MOTION TO RECOMMIT

Mr. Callahan moved to recommit the bill, H. 659, to the Standing Committee on Ways and Means.

MOTION TO TABLE LOST

The motion offered by Mr. Callahan to table the substitute motion offered by Mr. Higginbotham to postpone the bill, H. 659, to the thirty-second legislative day, was lost.

Yeas 22; Nays 22.

Yeas:

Messrs.: Andrews, Armstrong, Boles, Callahan, Dial, Folmar, Glass, Holley, Holmes, Jolly, Kelley, Lutz, McCulley, McNair, Naramore, Plaster, Porter, Riddick, Roberts, Smith (M), Venable and Weeks.

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Nays:

Messrs.: Baker, Barron, Cates, Coburn, Cross, Edwards, Goodwin, Greer, Harris, Higginbotham, Hopping, Howard, Leonard, Moore (W), Sandusky, Shelton, Smith (C), Sonnier, Teague, Warren, Whatley and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Holmes to the substitute motion offered by Mr. Higginbotham, to temporarily carry over the bill, H. 659, was adopted.

And the bill:

H. 1417. (With Substitute): To make appropriations from the state treasury to the use of the Board of Trustees of the University of North Alabama located in Florence, Alabama for capital outlay purposes.

Was taken up.

H. 1417 RECOMMITTED

On motion of Mr. Coburn to recommit, the Speaker recommitted the bill, H. 1417, to the Standing Committee on Ways and Means.

And the bill:

H. 1316. To designate the Alabama Historical Commission as the agency responsible for retaining the historic and architectural integrity of the State Capitol, a National Historic Landmark.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crawford, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to bring up out of order the bill, H. 1623.

And the bill:

H. 1623. To amend Section 2 of Act No. 1218, H. 342, Regular Session of 1973 (Acts 1973, p. 2065), which relates to appropriations for the renovation, repair, refurbishing, and refurnishing of certain state buildings so as to remove the line item conditional appropriations and appropriate the sum of Two Million Dollars.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 85; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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SPECIAL ORDER RESUMED

And the bill:

H. 475. To provide that in any county in this state, the official authorized to issue automobile license plates shall issue license plates without state ownership identification at no charge to the Governor, to

any state official, or to any state investigator for use on a state-owned vehicle when requested to do so as a safety measure by the Director of Public Safety.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 852. Proposing an amendment to the Constitution of Alabama providing that legislators may elect to come within the provisions of the state employees' retirement system and any state employees' insurance plan.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Harris, Hill, Hines, Holmes, Hopping, Howard, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Manley, Merrill, Moore (W), Morris, Naramore, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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Nays:

Messrs.: Campbell, Higginbotham, Holley, Mitchem, Venable and Whatley.

—6

And the bill:

H. 851. To extend the state employees' retirement system and any state employees' insurance plan to members of the legislature, who for the purpose of coming within the provisions of these plans shall be considered "state employees"; providing that the legislators shall on a voluntary basis elect whether or not they choose to take part in the retirement system or insurance plan; and that the total compensation paid

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members of the Legislature including per diem, wages, fees, travel and expense allowances and all other forms of compensation shall, for the purposes of this act, be considered as salary for the purpose of making deductions for the insurance and retirement plans.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 4.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hines, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McNair, McNees, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, Warren, White, Williams and Wyatt.

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Nays: Messrs.: Higginbatham, Mitchem, Venable and Whatley. —4

And the bill:

H. 63. To amend Section 1 of Act No. 515, HB 93, approved July 9, 1945 (General Acts 1945, p. 734) as amended (Title 55, Section 456, Code of Alabama 1940, Recompiled 1958, and as amended), which relates to the Employees' Retirement System of Alabama; so as to provide that the "average final compensation" used to calculate a member's retirement benefit will be based upon the three (3) years, rather than the five (5), of the final ten (10) years of membership service in which earnable compensation is highest. To also provide for the redetermination of all retirement allowance payments due on or after October 1, 1975, to members who retire prior to said date. Also to provide for necessary and proper appropriations to carry out the provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Wyatt as co-sponsor to the bill, H. 63.

And the bill:

H. 286. To amend Section 115 of Title 12, Code of Alabama 1940.

Was taken up.

H. 286 POSTPONED

On motion of Mr. McMillan, the bill, H. 286, was postponed to the thirty-second legislative day.

And the bill:

H. 283. To authorize the County Commission or like governing body of each of the several counties to appoint an Engineer Trainee; to provide for the qualifications and duties of such Engineer Trainee; and to provide for State participation in the salary of such Engineer Trainee appointed.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Venable, Warren, Whatley, White and Wyatt.

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And the bill:

H. 288. (With Substitute): To provide that all monies received by Counties from motor vehicle license taxes and registration fees shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets in-

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cluding administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

Be It Enacted by the Legislature of Alabama:

Section 1. All monies received by a County for motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund to be used for the construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the costs of traffic regulation and the expense of enforcing state traffic and motor vehicle laws.

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Hill, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Naramore, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Venable, Warren, Whatley, White and Wyatt.

—65

And the bill:

H. 288. To provide that all monies received by Counties from motor vehicle license taxes and registration fees under provisions of Title 51 § 713, Code of Alabama, as amended shall be deposited in a fund known as the Public Highway and Traffic Fund and used for the purpose of construction, improvement and maintenance of public highways or streets including administrative expenses in connection therewith, retirement of securities evidencing obligations incurred for payment of cost of such construction, improvement and maintenance, costs of traffic regulation and expense of enforcing state traffic and motor vehicle laws.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Holley, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz,

McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

S. 460. To amend Title 48, Sections 215, 216, 217, 222, and 223, Alabama Code 1940, which provides for the appointment and exercise of powers of Railway Policemen, so as to provide the Governor power to enter into reciprocal agreements with other states, allowing Railway Policemen to exercise their power and authority in other states; to allow such policemen to register with the Secretary of State.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—77

And the bill:

S. 461. To amend Title 48, Section 462, Code of Alabama 1940, which relates to unlawful riding on trains, busses and trucks, so as to increase the penalty therefor.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—78

And the bill:

H. 348. (With Amendments): A Bill to be known as the "Deceptive Trades Practices and Consumer Protection Law;" defining certain words and phrases; creating an Office of Consumer Protection and delegating authority and prescribing responsibilities for that office; creating a

Consumer Advisory Board; authorizing the Office of Consumer Protection and the Office of the Attorney General to receive Federal funding; delegating authority to and prescribing responsibilities for the Attorney General; establishing and prohibiting unlawful trade practices; providing for the promulgation and interpretation of rules and regulations; providing for exemptions from this Act; authorizing the Attorney General to restrain prohibited acts and to seek other relief; providing for the powers of receivership; providing for private actions; providing for assurances of voluntary compliance; authorizing the Attorney General to investigate for prohibited acts; issue subpoenas and hold hearings; providing for service and enforcement of investigative demands; providing penalties; providing for the jurisdiction of the Act; establishing a statute of limitations; and providing for appropriations to the Office of Consumer Protection.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 348, Section 10, beginning at line 234 through line 237 by striking all the language on those lines and substituting the following:

"Section 10. Unlawful Trade Practices. The following unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:"

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Cooper, Cross, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Moore (W), Naramore, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Whatley and Wyatt.

—65

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

In the synopsis, beginning at the third line thereof (line 2 of numbered page 1 of said bill), delete the words and phrases, "creating a Consumer Advisory Board;"

In the fourth line of the title of said bill (line 18 of numbered page 1), strike the words and phrases "creating a Consumer Advisory Board;"

On page 1, line 35 of said bill, delete entirely subsection (a) of Section 2 and re-letter the following subsections accordingly.

On page 5, line 146 (Section 6(b)) of said bill delete the words, "and the Consumer Advisory Board".

On page 5, beginning at line 164, strike Section 7 in its entirety and renumber the following sections accordingly.

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McCulley, McMillan, Martin, Merrill, Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—67

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Add a new subsection (t) to section 10, immediately following subsection (s), on page 9 of said bill to read as follows:

(t) Engaging in any other false, misleading or deceptive acts or practices in the conduct of any trade or business.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McMillan, McNair, McNeese, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Venable, Warren, Weeks, Whatley, White and Wyatt.

—69

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 348, Section 10, Subsection (m), beginning at line 267 through line 269 by striking all the language on those lines and substituting the following:

“(m) Engaging in any other unfair or deceptive acts or practices in the conduct of any trade or commerce;”

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Drake, Edwards, Folmar, Ford,

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Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Venable, Warren, Weeks, Whatley, White and Wyatt.

—70

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 348, Section 10, beginning at line 234 through line 237 by striking all the language on those lines and substituting the following:

"Section 10. Unlawful Trade Practices. The following unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:"

And the amendment was adopted.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Venable, Warren, Weeks, Whatley, White and Wyatt.

—72

Nay: Mr. Manley.

—1

Mr. Coburn offered the following amendment to the bill, H. 348 as amended.

Amend H. 348 as follows:

In the synopsis, on page 1, line 10, insert before the word "appropriations" the word

conditional

In the title, on page 1, line 25, insert before the word "appropriations" the word

conditional

On page 21, Section 26, lines 746 through 748 delete the following: "two hundred fifty thousand dollars (\$250,000.00) for the fiscal year 1975-76 and three hundred thousand dollars (\$300,000.00) for the fiscal year 1976-77.", and insert in lieu thereof the following on line 746 after the words "sum of":

ninety thousand dollars (\$90,000).

This appropriation shall be paid from the State General Fund and is conditional upon the condition of the State Treasury and the approval of the Governor.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Crowe, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCulley, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—71

And the bill:

H. 348. A Bill to be known as the "Deceptive Trades Practices and Consumer Protection Law;" defining certain words and phrases; creating an Office of Consumer Protection and delegating authority and prescribing responsibilities for that office; authorizing the Office of Consumer Protection and the Office of the Attorney General to receive Federal funding; delegating authority to and prescribing responsibilities for the Attorney General; establishing and prohibiting unlawful trade practices; providing for the promulgation and interpretation of rules and regulations; providing for exemptions from this Act; authorizing the Attorney General to restrain prohibited acts and to seek other relief; providing for the powers of receivership; providing for private actions; providing for assurances of voluntary compliance; authorizing the Attorney General to investigate for prohibited acts; issue subpoenas and hold hearings; providing for service and enforcement of investigative demands; providing penalties; providing for the jurisdiction of the Act; establishing a statute of limitations; and providing for conditional appropriations to the Office of Consumer Protection.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 11.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Hopping, Howard, Johnson, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—76

Nays:

Messrs.: Campbell, Crowe, Dial, Higginbotham, Holley, Lockett, Manley, Martin, Morris, Venable and Whatley.

—11

And the bill:

H. 94. (With Substitute): Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed, and shall become valid as a part of the Constitution when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

Members of the legislature shall receive travel expenses at the same rate as state employees. During sessions of the legislature each member shall be paid for one trip each week from his residence to, and in returning to his residence from, the seat of government. No travel pay whatsoever shall be allowed for interim, special or standing committees unless expressly provided for in the resolution or act creating any such committee.

Any provisions of, or amendments to, the Constitution conflicting herewith are hereby repealed.

This amendment shall be self-executing, and no enabling legislation shall be necessary.

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17, of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

And the substitute was adopted.

Yeas 68; Nays 6.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison,

Hill, Hines, Holley, Holmes, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sonnier, Sparks, Starkey, Teague, Waggoner, Warren, Weeks, Williams and Wyatt.

—68

Nays:

Messrs.: Cross, Higginbotham, Mitchem, Smith (C), Venable and Whatley.

—6

And the bill, H. 94 as thus amended, was read a third time at length and lost, lacking a three-fifths vote.

Yeas 57; Nays 15.

Yeas:

Messrs.: Albright, Armstrong, Baker, Brindley, Callahan, Carothers, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Holley, Holmes, Hopping, Howard, Johnson, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair, Malone, Manley, Martin, Merrill, Naramore, Porter, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, White and Wyatt.

—57

Nays:

Messrs.: Barron, Campbell, Carter, Cross, Dial, Harris, Lockett, McMillan, Mitchem, Morris, Shelton, Smith (C), Venable, Warren and Whatley.

—15

And the bill:

H. 1315. (With Amendment): To provide a new schedule of privilege licenses relating to seafoods; to repeal the existing schedules; to prescribe the penalty for violating provisions of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1315 in Section 9, on page 4 in lines 16 and 17 by striking therefrom the following words and punctuations, viz; possessing a "salt water sport fishing license"

And the amendment was adopted.

Yeas 71; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Holley, Holmes, Howard, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues,

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Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Waggoner, Warren, Whatley, White, Williams and Wyatt.
—71

Nay: Mr. Harrison. —1

Mr. Kinsey offered the following amendment to the bill, H. 1315 as amended:

Amend Section 16, lines 30 and 31 of House Bill 1315 by striking the following figures "164 (1), 164 (2), 164 (3)"

AMENDMENT TABLED

On motion of Mr. Glass, the amendment offered by Mr. Kinsey to the bill, H. 1315 as amended, was tabled.

Yeas 20; Nays 10.

Yeas:

Messrs.: Albright, Carothers, Cooper, Edwards, Ford, Gregg, Hall, Harrison, LeFlore, Leonard, Lockett, McCulley, Malone, Morris, Quarles, Riddick, Sasser, Shelton, Smith (M) and Wyatt.
—20

Nays:

Messrs.: Callahan, Harris, Kennedy, Kinsey, Lutz, McMillan, McNair, Sandusky, Sonnier and Waggoner.
—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 1315 POSTPONED

On motion of Mr. Callahan, the bill, H. 1315 as amended, was postponed to the thirty-sixth legislative day.

And the bill:

H. 1707. Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Kelley, Kinsey, LeFlore, Lutz, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore, (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Warren, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1764. To amend Section 46 of Act No. 414, Acts of Alabama of 1959, page 1073, known as the "Alabama Business Corporation Act," by adding at the end of the second paragraph thereof the following: "Provided, however, if a corporation is engaged in the business of banking, its books and records of account and minutes relating to the private financial affairs of borrowers and depositors shall not be subject to examination by such a stockholder or by his agent or attorney in the absence of an order of a court of competent jurisdiction, after inspection of such books and records of account and minutes in camera, that such examination is necessary; and said order shall be subject to review in the Supreme Court of Alabama on writ of mandamus. Provided further that if a corporation is engaged in the business of banking, its said books and records of account and minutes shall be deemed not to include any reports of examination by state or federal supervisory agencies"; to provide that the provisions of this act are severable; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holmes, Hopping, Jackson, (F), Johnson, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore, (O), Moore, (W), Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith, (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—73

Nays:

Messrs.: Killian and Merrill.

—2

And the bill:

H. 1250. To amend Sections 10, 14 and 16 of Act No. 576, Acts of Alabama, 1959 Regular Session, as amended, pertaining to the cost of obtaining registration certificates, duplicate certificates and transfer certificates for vessels operated on the waters of this state, and to provide for the disposition of the proceeds from the increases in those costs as prescribed herein.

Was taken up.

Mr. Venable offered the following amendment to the bill:

Section 4 of House Bill 1250 is amended to read as follows:

"Section 4. The additional revenue resulting from the increases in fees provided by this Act shall be deposited in a special fund within the Water Safety Fund of the State Department of Conservation and Natural Resources and shall be distributed as follows: 20% shall be remitted to the State Treasury to the credit of the Water Safety Division of the State Department of Conservation and Natural Resources to be used solely for the purchase, construction, placement, administration and maintenance of aids to navigation, 50% shall be remitted to the State Treasury to the credit of the Water Safety Division of the State Department of Conservation and Natural Resources to be used solely for the construction and maintenance of public boating ramps, piers, parking lots in conjunction with said public boat launching ramps and piers, and for the printing and distribution of maps showing the location of such launching ramps and piers, and the remaining 30% shall be placed in the Water Safety Fund and used for the general purposes of said fund."

And the amendment was adopted.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hopping, Jackson, (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore, (W), Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith, (C), Smith, (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

—67

And the bill, H. 1250 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 8.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford Cross, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hopping, Jackson (F), Johnson, Jolly, Killian, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—64

Nays:

Messrs.: Callahan, Crowe, Kelley, Kinsey, Naramore, Sandusky, Sonnier and Warren.

—8

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Smith (C) as co-sponsor to the bill, H. 1250.

And the bill:

H. 963. To amend the title and Section 1, of Act No. 1281, S. 579, Regular Session 1973 (Acts 1973, p. 2194) authorizing the governing bodies of the several Counties of the State to pay all expenses incurred by the Tax Assessors, Tax Collectors, Circuit Clerks and Registers or other like official by membership in their State organization so as to include Probate Judges.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 9.

Yeas:

Mr. Speaker, Andrews, Armstrong, Brindley, Callahan, Carothers, Carter, Cates, Clark Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Harrison, Hill, Hines, Hopping, Jackson (F), Johnson, Jolly, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (C), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Warren, White, Williams and Wyatt.

—63

Nays:

Messrs.: Albright, Baker, Barron, Higginbotham, Leonard, Lockett, McCulley, Smith (M) and Whatley.

—9

And the bill:

H. 600. (With Amendment): Relating to the profession and practice of optometry; defining the practice and profession of optometry; providing for the licensing, examination, and regulation of optometrists; abolishing the State Board of Optometry; creating the Alabama Board of Optometry, and prescribing its powers, duties and authority; providing for the issuance of temporary licenses, limited licenses, licenses, license certificates and annual registration certificates, and prescribing the qualifications of persons to practice optometry; providing for the collection and disbursement of examination and other fees and charges; authorizing the Alabama Board of Optometry to examine applicants for licenses and license certificates, and to issue and deny licenses, and to conduct hearings and to initiate legal proceedings to impose sanctions against licensees for violating the provisions of this act; and providing for the enforcement of the act and prescribing penalties for violations thereof; repealing Chapter 11 of Title 46, Code of Alabama (1940) and any other laws which conflict with this act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Section 2 of House Bill 600 by deleting Section 2 (A), (2) in its entirety and inserting in lieu thereof the following:

Provided, however, nothing in this section shall be construed so as to permit the administration of drugs in any form or prescribing of drugs for the medical treatment of eye diseases or performing surgery of any nature; provided further that nothing in this section shall be construed so as to prevent the use and prescribing of the soft-lens or hydrophilic

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contact lenses and the solutions commonly used in the prescribing and fitting of contact lenses; and provided further that nothing in this Act shall be construed as repealing or affecting the provisions of Title 49, Section 32 (8), Code of Alabama, as amended.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Drake, Edwards, Falkenberg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Whatley and Wyatt.

—63

Mr. Sasser offered the following amendment No. 1 to the bill, H. 600 as amended:

Amend House Bill 600 by striking therefrom on line 5 and 6, page 2 in Section 1 the following "a learned profession."

And the amendment was adopted.

Yeas 67; Nays 1.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hopping, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—67

Nay: Mr. Martin.

—1

Mr. Sasser offered the following amendment No. 2 to the bill, H. 600 as amended:

Amend Section 2 of House Bill 600 by deleting paragraphs (1) and (2) and substituting in lieu thereof the following:

(A) The practice of optometry is defined to be any of the following:

(1) Any examination of the human eyes and visual system for the purpose of: (a) ascertaining any departure from the normal; (b) ascertaining the status of the human visual system, including the refractive and functional abilities thereof; or (c) ascertaining the presence of ocular disease or ocular manifestations of systemic disease and any other departure from the normal which may require referral to other health care practitioners.

(2) The diagnosis and treatment of the refractive and functional ability of the visual system for the purpose of the prevention, rehabilitation, correction and relief of anomalies of the visual system or visually

related symptoms or disabilities or the enhancement of visual performance in accordance with accepted teaching by means of any or all of the following: (a) the prescribing and employment of ophthalmic lenses, prisms, frames, ophthalmic aids, and prosthetic materials; (b) the prescribing and employment of contact lenses; (c) administering visual training, orthoptics and pleoptics; and (d) providing advice regarding environmental factors which influence visual performance, safety and comfort. Provided, however, nothing in this section shall be construed so as to permit the administering of drugs in any form; or the prescribing of drugs for the medical treatment of eye diseases or the performing of surgery of any nature for any purpose. Nothing in this section shall be construed so as to prevent the use and prescribing of the soft-lens or hydrophilic contact lenses and the solutions commonly used in the prescribing and fitting of contact lenses, and provided further that nothing in the Act shall be construed as repealing or affecting the provisions of Title 49, Section 32 (8), Code of Alabama 1940, as amended.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hopping, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeese, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—64

Mr. Sasser offered the following amendment No. 3 to the bill, H. 600 as amended:

Amend House Bill 600 by deleting therefrom paragraphs (14), (15), and (16) of Section 9 on Pages 11 and 12.

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNeese, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Waggoner, Warren, White and Wyatt.

—68

Mr. Sasser offered the following amendment No. 4 to the bill, H. 600 as amended:

Amend House Bill 600 by deleting paragraph 19 on Pages 12 and 13 from lines 24 through 35 and on page 13, lines 1 through 7 and substitute in lieu thereof the following paragraph (19):

"(19) For practicing optometry as the employee of any person, group, association or corporation on the basis of any fee splitting or on any basis which has the effect of any such agreement provided, however, that the provisions of this paragraph shall not be so construed as to prohibit a licensed optometrist from participating in Health Maintenance Organizations composed of licensed professional practitioners in the health care field; other similar ethical professional health care groups; or in Professional Associations or Professional Corporations organized under Alabama law; or penalize him for such participation and provided, however, that the provisions of this paragraph shall not be so construed as to prohibit a licensed optometrist from practicing as the partner, employee or associate of another licensed optometrist; or"

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Coburn, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Venable, Waggoner, Warren, White and Wyatt.

—68

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill and Senate Joint Resolution, your signature thereto is requested:

S. 1058. To amend Title 15, Section 44, Code of Alabama, to provide that in cases involving the murder, attempted murder, assassination or attempted assassination of any member of the judiciary, state or other public official, or of any law enforcement officer the governor is authorized to increase the reward for information leading to the arrest of the felon up to \$10,000.00; effective retroactively.

Also:

S. J. R. 128. Establishing a Joint Interim Committee to investigate the Fairhope Single Tax Corporation.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bill and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

H. 600 RESUMED

Mr. Sasser offered the following amendment No. 5 to the bill, H. 600 as amended:

Amend House Bill 600 by deleting paragraph (20) of Section 9.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Dial, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hines, Hopping, Jackson (F), Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, White and Wyatt.

—69

Mr. Sasser offered the following amendment No. 6 to the bill, H. 600 as amended:

Amend House Bill 600 on page 19 by adding the following after the period at the end of line thirty (30) and renumbering subsequent lines:

“Provided, however, that nothing in this Act shall apply in any way to any licensed physician; nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program; nor to any physician’s assistant as defined in Act No. 1948, Acts of Alabama, 1971 Regular Session Page 3146, approved September 20, 1971, nurse, technician, medical assistant, optician, or other allied or ancillary health personnel acting under the prescription, supervision or direction of a licensed physician in the office in which such physician normally actually practices his profession, and nowhere else.”

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Dial, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hines, Hopping, Jackson (F), Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, White and Wyatt.

—64

Mr. Holmes offered the following amendment to the bill, H. 600 as amended:

Amend H. B. 600 by deleting under Section 5 the following:
“Subsection 9 on page 6 lines 20 through 23

AMENDMENT TABLED

On motion of Mr. Starkey, the amendment offered by Mr. Holmes to the bill, H. 600 as amended, was tabled.

Yeas 56; Nays 10.

Yeas:

Mr. Speaker, Albright, Armstrong, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hines, Jolly, Killian, Kinsey, Lee, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Warren, Whatley, White, Williams and Wyatt.

—56

Nays:

Messrs.: Baker, Cooper, Harrison, Holmes, Hopping, LeFlore, Lewis, McNair, Plaster and Rich.

—10

Mr. Johnson offered the following substitute to the bill, H. 600 as amended:

A BILL
TO BE ENTITLED
AN ACT

Relating to the profession and practice of optometry; defining the practice and profession of optometry; providing for the licensing, examination and regulation of optometrists; abolishing the State Board of Optometry; creating the Alabama Board of Optometry, and prescribing its powers, duties and authority; providing for the issuance of temporary licenses, limited licenses, licenses, license certificates and annual registration certificates, and prescribing the qualifications of persons to practice optometry; providing for the collection and disbursement of examination and other fees and charges; authorizing the Alabama Board of Optometry to examine applicants for licenses and license certificates, and to issue and deny licenses, and to conduct hearings and to initiate legal proceedings, to impose sanctions against licensees for violating the provisions of this act; and providing for enforcement of the act and prescribing penalties for violations thereof; repealing Chapter 11 of Title 46, Code of Alabama (1940) and any other laws which conflict with this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Objects and Purposes of Act.—The practice of optometry is hereby declared to affect the public health, safety, and welfare and that optometry is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of optometry as defined in this act be limited to qualified persons admitted to practice optometry in the State of Alabama pursuant to the provisions of this act. This act shall be liberally construed to carry out these objects and purposes.

Section 2. Definitions.—As used in this act. (A) The practice of optometry is defined to be any of the following:

Any examination of the human eyes and visual system except by the use of drugs and surgery for the purpose of: (a) ascertaining any departure from the normal; (b) ascertaining the status of the human visual system, including the refractive and functional abilities thereof; or (c) screening for the presence of ocular disease and any other departure from the normal which may require referral to other health care practitioners.

(B) "Board shall mean the Alabama Board of Optometry.

Section 3. The Alabama Board of Optometry, Appointment, Qualification, Term, Vacancy, Removal from Office.—In order to accomplish the purposes and to provide for the enforcement of this act, there is hereby created the Alabama Board of Optometry. The Board is hereby vested with the authority to carry out the purposes and enforce the provisions of this act. Upon the effective date of this act, the State Board of Optometry as then constituted shall be abolished but the members thereof shall serve as members of the Alabama Board of Optometry created hereby and shall continue to serve until their present terms of appointment expire, as set out below. The Alabama Board of Optometry shall consist of five (5) persons licensed to practice optometry in this State, each of whom shall be a resident of this State, and who shall have been actively engaged in the practice of optometry for at least five years next preceding the date of their appointment. The term of one member of the Board shall expire October 1, 1975, and every fifth year thereafter; the term of one member shall expire October 1, 1976, and every fifth year thereafter; the term of one member shall expire October 1, 1977, and every fifth year thereafter; the term of one member shall expire October 1, 1978, and every fifth year thereafter; and the term of one member shall expire October 1, 1979, and every fifth year thereafter. Each member of the Board shall be appointed by the Governor from a list of five names of qualified persons certified to him by the Board. For the purpose of preparing the list of five names, the Board shall conduct an annual meeting on the first Saturday of September, 1975, and on the first Saturday of September of each succeeding year thereafter, at which all optometrists licensed to practice and holding a current annual registration certificate pursuant to the provisions of this Act shall have the right to attend, nominate and vote. The Board shall have the authority to regulate and prescribe the place and hour of the meeting, the method of nomination, and the manner of voting. Each optometrist in attendance shall have the right to vote for those persons duly nominated and no cumulative or proxy voting shall be permitted. Each optometrist voting must vote for five nominees in order for his ballot to be valid, and any ballot indicating votes for more or less than five nominees shall be null and void. The five persons receiving the greatest number of votes of those in attendance at the meeting shall be the five persons whose names shall be certified to the governor for appointment to the Board. At least thirty days prior to said meeting the Board shall mail notices to each optometrist licensed to practice and holding a current annual registration certificate pursuant to the provisions of this Act at the address shown on his current registration notifying each optometrist of the exact date, place and hour of the meeting, the purpose of the meeting and of his right to attend and vote. In the event of a vacancy prior to the next annual meeting, the Governor shall fill such vacancy from the remaining names on the list. The Governor may remove any member for neglect of duty, incompetency, improper or unprofessional conduct, or when his license has been revoked or suspended.

Section 4. Officers, Annual and Special Meetings, Quorum, Seal, Oath, Compensation and Expenses.—The Board shall choose annually one of its members as President, one as Vice President, and one as Secretary-Treasurer who severally shall have the power during their terms of office to administer oaths and take affidavits, certifying thereto under their hand and the common seal of the Board. The Board shall meet at least once in each year in the City of Montgomery, or in such place as is designated by the President, and in addition thereto, whenever and wherever the President thereof shall call a meeting. A majority of the Board shall at all times constitute a Quorum. The Secretary of the Board shall keep a full record of the proceedings of the Board, which records shall at all reasonable times be open to public inspection. Each member

of the Board shall be reimbursed for his actual traveling expenses and the actual necessary expense incident to his attendance upon the business of the Board, and in addition thereto the sum of \$25.00 per diem for each day actually spent by such member upon the business of the Board. All such expenses and per diem shall be paid out of the receipts of the Board under the provisions of this act. The Secretary shall receive such compensation as may be fixed by the Board and shall be the custodian of all records and the official seal of the Board. All monies received by the Board shall be deposited to the credit of the Board in a bank selected by its members for the use of the Board and the execution and enforcement of the provisions of this act and the payments of salaries, expenses and other costs herein provided shall be paid by checks drawn by the Treasurer and countersigned by the President of the Board. The President and Treasurer shall give such bonds as the Board from time to time directs. The Board shall make an annual report of its proceedings to the Governor on the first Monday of January of each year.

Section 5. Powers and Duties.—The Board shall exercise, subject to the provisions of this act, the following powers and duties:

(1) Conduct examinations at least once each year to ascertain the qualifications and fitness of applicants for licenses to practice optometry.

(2) Prescribe rules and regulations for conducting and administering examination of applicants for licensing as optometrists and to carry out and make effective the provisions of this act.

(3) Institute upon complaint or petition, but not upon its own motion, complaint or petition, hearings of charges against licensed optometrists as hereinafter provided.

(4) Institute legal proceeding for violations of this act as hereinafter provided.

(5) Grant and deny licenses in conformity with this act.

(6) Formulate rules and regulations by which the Board shall determine which optometry schools and colleges within or without the State of Alabama have been duly accredited by a recognized and properly authorized accrediting agency and which of said accredited schools or colleges shall be approved by the Board.

(7) Establish standards of continuing education which shall be deemed a requisite to the renewal of licenses of applicants who are otherwise qualified to practice optometry in the State of Alabama.

(8) Keep a register of optometrists which shall contain the names and addresses of all persons to whom license certificates, temporary licenses, and limited licenses have been issued in the State of Alabama, together with the date of the issuance and the place or places of business in which each optometrist is engaged, and all renewals, revocations and suspensions thereof.

(9) Administer oaths and affirmations of witnesses, issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence and materials, in any hearing, investigation or other proceeding before the Board.

(10) Employ or appoint executive and clerical personnel and legal advisors or counsel to assist in carrying out the provisions of this act when there is a need for such services and when funds are available for such purposes.

(11) Prescribe rules and regulations establishing a program of internship as a requisite to application for license, if the Board deems such program advisable.

(12) Prescribe rules and regulations establishing circumstances and conditions upon which temporary licenses may be issued by the Board and the terms and conditions of such temporary licenses.

Section 6. Certificates, licenses and Examination.—Every person desiring to commence the practice of optometry, except as otherwise provided, shall take a standard examination provided in this chapter and fulfill the other requirements as herein provided. Such applicant must be twenty-one years of age, or over, a citizen of the United States and of good moral character. Each applicant must have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof, and a minimum of three years of pre-optometry or the equivalent thereof, at an accredited college or university and must have completed a course of study in an accredited school or college of optometry which is approved by the Board and requires at least four years of professional study and must have completed any program of internship which may be established by rules and regulations of the Board (if such program be established) and must be able to pass the standard examination prescribed by the Board. Such standard examination shall consist of tests in practical, theoretical and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pathology, general anatomy, and hygiene, and such other knowledge as the Board deems essential to the practice of optometry. Such standard examination shall not be out of keeping with the established teaching and recognized textbooks of accredited schools or colleges of optometry. The application must be upon the form prescribed and furnished by the Board and verified by the oath of the applicant, accompanied by a fee to be determined by the Board, but said fee shall not be less than \$25.00 nor more than \$100.00. Such examination shall be held at least once in each year if there be any candidates for examination who have applied to the Board for examination at least 30 days before the date affixed for the holding of such examination. When application and accompanying proof as are required herein are found satisfactory, the Board shall notify the applicant to appear before it for examination at a time and place to be fixed by the Board. Those found qualified by the Board shall be granted a license and a license certificate which shall bear a serial number, the full name of the licensee, the date of issuance and the seal of the Board, and shall be signed by the President and Secretary of the Board, provided, however, that the Board may grant a temporary license under such circumstances and conditions as may be prescribed by rules and regulations of the Board, in which event, the certificate of such temporary license may be in such form as is prescribed by such rules and regulations. Every license (whether permanent or temporary) so issued, and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office wherein he practices. Those persons who hold valid licenses to practice optometry in the State of Alabama at the time this act becomes effective shall continue to be so licensed after the effective date of this act regardless of whether they are otherwise qualified to secure a license under the provisions of this act, provided, however, that they shall be subject to all other provisions of this act.

Section 7. Reciprocal Certification of Optometrists from Another State. Any person who has successfully passed a standard examination in optometry in any state of the United States or all parts of the examination given by the National Board of Examiners in Optometry and is the holder of a certificate to that effect, issued by the Board of such state, or by said National Board, and has conducted an ethical professional practice

of optometry for at least one year next prior, may at the discretion of the Board, under rules and regulations prescribed by the Board, and upon application to the Board, upon the payment of the amount of the regular examination fee, be issued a license and license certificate without examination, and be registered as qualified to practice optometry in this state, provided the standard of qualifications and examination under which he secured such certificate to practice was at least as high as that prevailing in Alabama, at the time of his making application to be so registered. And provided further, that said applicant has not failed in an examination in optometry before the State Board of Optometry or the Alabama Board of Optometry and that the state from which such applicant comes grants like privileges to persons who have passed the examination of the Board.

Section 8. Renewal, Reinstatement or Restoration of Licenses.—Continuing Education Requirements. All registered optometrists now or hereafter licensed in the State of Alabama are and shall be required to take annual courses of study in subjects relating to the practice of the profession of optometry. The length of study shall be prescribed by the Board but shall not exceed twenty-five (25) clock hours in any calendar year. All such courses shall be made available at times and places so that all presently licensed optometrists can attend. Attendance must be at a course or courses approved by the Board. Attendance at any course or courses of study are to be certified to the Board upon a form provided by the Board and shall be submitted by each registered optometrist at the time he makes application to the Board for the renewal of license, and payment of his renewal fee. Every licensed optometrist who desired to continue the practice of optometry in this state shall annually, on or before the 1st day of October, pay to the Secretary of the Board a renewal fee of \$112.00 for which he shall receive a renewal of the registration. The licensee shall sign and verify the accuracy of his registration and certify his compliance with the continuing education requirements of the Board for renewal on a form provided by the Board and upon submission of the completed form prescribed by the Board, together with the aforementioned fee, the licensee shall receive therefor the current annual registration certificate authorizing him to continue the practice of optometry in this state for a period of one year. Any licensee and license certificate previously granted under the authority of this or any prior optometry practice law shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for by January 1 each year. Any optometrist whose license shall be automatically suspended by reason of failure, neglect or refusal to secure the annual registration certificate shall be reinstated by the Board upon payment of a penalty fee of \$100.00 plus all accrued annual registration fees accompanied with the prescribed form for annual registration of such license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before the 1st day of November each year, the Board shall notify such licensee by registered mail addressed to his last address of record that such application and fee have not been received and that unless such application and fee are received on or before the 1st day of January of the following year, his license and license certificate shall be automatically suspended. The Board may waive annual registration and the payment of fees while any licensee is prevented from practicing optometry by reason of physical disability, or on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said disability or temporary active duty continues.

Section 9. Revocation or Suspension of License.—The following shall constitute grounds for revocation or suspension of license or for public reprimand when it has been found that a licensee is guilty of the

same (or of any of them) after hearings by the Board and legal proceedings as hereinafter provided, to-wit:

(1) Fraud, deceit, dishonesty, or misrepresentation, whether knowingly or unknowingly, in the practice of optometry or in obtaining any license, license certificate, annual registration certificate, or other thing of value; or

(2) Incompetency or unfitness by reasons of negligence; or

(3) Conviction of a felony or a misdemeanor which involves moral turpitude; or

(4) Gross immorality; or

(5) Habitual drunkenness or addiction to the use of morphine, cocaine or other drugs having similar affect; or

(6) Insanity, as adjudged by a court of competent jurisdiction; or

(7) Directly or indirectly employing, hiring, procuring, or inducing a person, not licensed to practice optometry in this state, to so practice; or

(8) Directly or indirectly aiding or abetting in the practice of optometry any person not duly licensed to practice under this act; or

(9) Willfully or repeatedly violating any of the provisions of this act; or

(10) Practicing or attempting to practice optometry under a name other than one's own name as set forth on the license certificate; or

(11) Lending, leasing, renting or in any other manner placing his license or license certificate at the disposal or in the service of any person not licensed to practice optometry in this state, provided however, that nothing in this act shall be construed to prohibit the employment of a duly licensed optometrist by a firm or corporation; or

(12) For failure to comply with the continuing education requirements established by the Board pursuant to the provisions of this act; or

(13) For practicing optometry in any temporary office, apart from a regularly established office, provided, however, that a licensed optometrist may establish a branch office if such branch office be duly equipped with the instruments necessary, according to rules and regulations promulgated by the Board, to make complete optometric examination and provided further that such branch office is in personal and direct charge of the optometrist establishing it or a licensed associate.

Section 10. Disciplinary Action, Charges, Hearing, Judicial Procedure, Appeal and Sanctions. Any person (but not the Board or members thereof) may initiate a charge of violation of the provisions of this act or other misconduct by a licensed optometrist by filing with the Secretary of the Board, a written statement under oath of a charge or charges against the accused. A discrete preliminary investigation into such charge or charges shall be made by the Board, after which if the Board be reasonably satisfied that such charge or charges are not frivolous, the Board shall hear and determine said charge or charges under rules of procedure to be established by the Board. A quorum of the Board must be present at all times during the hearing and deliberation and action thereon. A time and place (either within the City of Montgomery, Alabama, or the county in which the accused resides) for the hearing of said charge or charges shall be fixed by the Board as soon as convenient, and a copy of said charge or charges, together with a written notice of the

time and place when the same will be heard and determined and a copy of the rules of procedure adopted by the Board for such hearing, shall be served at least twenty (20) days before the date fixed for said hearing upon the accused or licensee, by leaving a copy thereof at his last and usual place of residence, by personal service upon the accused or licensee, or by forwarding the same to the accused or licensee via United States Registered Mail with a return receipt requested addressed to him at his last known mailing address, if a resident of the State of Alabama. If the accused or licensee shall not be a resident of Alabama, or shall have departed from the State of Alabama, then notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county where said licensee shall have been last known to reside, one (1) time, three (3) weeks prior to said hearing, setting out the time and place of such hearing. At least five (5) days before the time of the hearing, the accused shall file with the Secretary of the Board his answer to the written charges theretofore served upon him together with a list of witnesses which the accused desired to be subpoenaed for the hearing. At such hearing, witnesses may be examined respecting said charge or charges. The Board or the accused or both shall have the power to require the attendance of witnesses, the production of books, records, and papers pertinent to the issues, and for that purpose either or both may require the Secretary of the Board to issue a subpoena for any witnesses or a subpoena duces tecum to compel the production of any books, records, papers or documents, directed to the Sheriff of the county where such witness resides or is to be found, which shall be served and returned in the same manner as subpoenas in civil cases in the circuit court are served and returned. If any person is subpoenaed to appear before said Board and fails to obey said subpoena without reasonable cause, or if any witness upon any hearing before the Board shall refuse to be sworn or to be examined or to produce a book record, paper or document, as ordered by the Board, such fact shall be certified by the Board to the circuit court or the judge thereof in the county where such witness resides, and he shall be ordered and directed by such court to appear before said Board and testify or produce such books, papers, records, or documents as are ordered by the Board. At said hearing, the accused shall have the right to cross-examine the witnesses against him and to produce witnesses in his defense, and to appear personally and/or by counsel. If a majority of the quorum of members of the Board conducting the hearing shall find that the charges are untrue, or frivolous, or that there is not probable cause that such charges, or any of them will be sustained in legal proceedings hereinafter provided for, then the Board shall enter an order dismissing such charges. If, however, a majority of the quorum of members of the Board conducting the hearing shall find that there is probable cause that said charges, or any of them, will be sustained, and that sanctions should be imposed, the Board may thereupon, by majority vote of those members present and voting, cause a complaint to be filed against the accused licensee in the circuit court of the county in which he resides or in which he last resided in the event he has ceased to be a resident of the State of Alabama. The complaint shall specify in detail the charge or charges found by the Board to be sustained by the evidence at the hearing. The cause shall be docketed as all civil cases are docketed and thereafter summons shall be issued and the cause proceed in all manners as is or shall be provided by the Alabama Rules of Civil Procedure. The style of the case shall be The Alabama Board of Optometry, Plaintiff vs. (name of licensee), Defendant. Any such case will be given a preferred status on the docket of the court in which it shall be pending and shall be tried as quickly as possible consistent with justice. The accused license may, if he desires to do so, demand and have a trial by jury. The Board shall have the authority to employ attorneys to represent it in the proceedings. The only finding of the jury or of the judge, if the case is tried without a jury in such cases shall be "guilty" or "not

guilty", the same to be rendered separately as to each of the charges. If the finding of the jury (or the Judge) be "not guilty" as to each of said charges, and the same shall be by the clerk of said court certified to said Board, it shall thereupon make an order dismissing all charges against the accused. If the finding of the jury (or the judge) be "guilty" as to any charge or charges, the judge shall enter an order or judgment imposing sanctions against the accused licensee, which shall be either revocation of license, suspension of license for a definite period of time or public reprimand, in the discretion of the judge, and the order or judgment shall be certified by the clerk of the court to the Board whereupon the Board will cause the same to be entered into the records of the Board. Appeals from the judgment of the court may be taken within 60 days, as in other civil cases, to the Supreme Court either by the Board or by the defendant licensee. All orders of the court imposing sanctions shall be suspended pending any such appeal.

Section 11. Unlawful Acts and Penalty Therefor.—It shall be unlawful for any person:

(1) To practice optometry in this state without having at the time of so doing a valid, unrevoked and unexpired license certificate and annual renewal registration certificate as an optometrist; or

(2) To use or attempt to use as his own a diploma of an optometric school or college or a license of another person, or a forged diploma or license or any forged or false identification; or

(3) To sell or offer to sell a diploma conferring an optometric degree or a license granted pursuant to this act or prior optometric practice laws, or to procure each diploma or license with intent that it shall be used as evidence of the right to practice optometry by a person other than the one upon whom it was conferred, or to whom such license was granted, or with fraudulent intent to alter such diploma or license or to use or attempt to use it when it is so altered; or

(4) To willfully make any false statements in material regard in an application for examination for a certificate to practice optometry, or for annual renewal registration.

Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1000.00 and in addition thereto, may be imprisoned in the county jail for a period not to exceed 12 months, and shall be subject to having his license revoked or suspended as provided in this act.

The Board and its members and officers shall assist prosecuting officers in the enforcement of this act, and it shall be the duty of the Board, its members and officers, to furnish the proper prosecuting officers with such evidence as it or they may ascertain to assist them in the prosecution of any violation of this act, and the Board is authorized for such purposes to make such reasonable expenditures from the funds of the Board as it may deem necessary to ascertain and furnish such evidence.

Section 12. Teaching Permits.—The Board may, under rules and regulations to be promulgated by the Board, issue limited licenses, in the case of teachers, to persons who hold an optometric degree where such persons are not licensed and registered to practice optometry in this state. The Dean of any school of optometry within the State of Alabama which has been approved by the Board shall be required to annually certify to the Board the names and addresses of the members of the school's faculty who are not licensed and registered to practice optometry in the state and shall be required to promptly notify the Board of any change in personnel

on the faculty. The Board may issue limited licenses to applicants upon the certification of the Dean of any such school of optometry setting forth that such applicant is a bona fide member of the faculty of such school. Such limited license shall be valid so long as the holder thereof remains a member of the faculty of the school and abides by the rules and regulations under which the same is issued. The holder of a limited license shall be subject to all provisions of the act regulating the practice of optometry in this state and shall be entitled to perform all services which a person licensed to practice optometry in this state would be entitled to perform but only as a part of the program of the school and as an adjunct to his teaching functions in such school. A fee of \$100.00 shall be paid by the applicant to the Board for the issuance of a limited license.

Section 13. Record Book of Licensees.—The Secretary of the Board shall keep a registry in which shall be entered the names of all persons to whom temporary licenses, limited licenses, license certificates and annual registration certificates have been granted under this act, the numbers of such license certificates and annual registration certificates, the dates of granting the same, and other matters of records, and shall keep a true and correct copy of the minutes of all board meetings, and the book so provided and kept shall be the official book of records. A photostatic copy of said records, or a copy of said records certified by the Secretary and under the seal of the Board, shall be admitted in any of the courts of this state as prima facie evidence of the facts contained in said records, and in lieu of the original thereof. A certificate under the hand of the Secretary and the seal of the Board that there is not entered in such record books the name and number of and date of granting such license certificate or renewal license certificate to a person charged with a violation of any of the provisions of this act, shall be prima facie evidence of the facts contained therein. Such certificates shall be admitted in any of the courts of this state in lieu of the records of the Board. The original books, records, and papers of the Board shall be kept at the office of the Secretary of the Board, which office shall be at such place as may be designated by the Board. On January first of each year, or within ten days thereafter, the Secretary of the Board shall publish and mail to every registered optometrist in the state a printed list of the legally registered optometrists within the state, and each published list shall contain at the beginning hereof these words: "Each registered optometrist receiving this list is requested to report to the Secretary of the Board the name and address of any person known to be practicing optometry, whose name does not appear in this registry".

Section 14. Fees.—All fees received by the Board for examinations, annual renewal registrations, or from any other source, shall be utilized in regulating the practice of optometry and paying the expenses of the Board including necessary clerk hire, legal expenses and per diem and expenses of the members of the Board as herein provided. Should the funds in the hands of the Board at the end of any fiscal year (October 1) be more than twenty-five hundred dollars, the excess of this amount shall be paid into the state treasury to the credit of a special trust fund which shall be spent solely for the purpose of constructing, operating and maintaining a college of optometry at the University of Alabama, in Birmingham, equipping of facilities, student scholarships and loans, faculty salaries and endowments, continuing education and research grants.

Section 15. Injunctions.—The Board may enjoin violations of any provision of this act by proceeding in accordance with the provisions of Title 7, Section 1063(1), Code of Alabama of 1940, as amended.

Section 16. Invalidity of any Portion of Act.—If any part of this act is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, the remaining portion or portions of this act shall

be and remain in full force and as valid as if such part had not been incorporated therein.

Section 17. Limitation on Application of Act.—It is not the intent of the Act to prevent any nurse, school teacher, welfare worker, state, county, municipality or other public board, body, agency, institution or official from determining the probable need of visual services, provided such person or agency does not attempt to examine, diagnose or prescribe or to recommend any particular practitioner and complies with the provisions of Title 49, Section 32 (b), Code of Alabama of 1940, as amended.

A license to practice optometry, as provided herein, shall not be required for the sale, preparation, and fitting of eyeglasses, spectacles, and contact lenses, in a retail optical dispensary or from a store, shop or other permanently established place of business with an optical department on prescription of a duly licensed physician skilled in diseases of the eyes or a duly licensed optometrist authorized to practice under the laws of this State. Nothing in this act shall apply in any way to any licensed physician, nor to any nurse, technician, medical assistant, optician, nor to any allied or ancillary health personnel acting under the physician's prescription, supervision or direction nor to any eye-teaching program, nor to any eye-screening or testing program conducted under any state, county or other governmental authority.

Section 18. Intent of Act.—This act supersedes Chapter 11 of Title 46, Code of Alabama (1940), which is hereby expressly repealed. And all laws or parts of law inconsistent with this act are hereby repealed, it being intended that this act shall furnish a complete and exclusive system, of and in itself for obtaining the right to practice optometry in the State of Alabama, and for the regulation of the practice of optometry therein, provided, however, that it is the intent of the Legislature that this Act shall not have the effect of repealing any laws not dealing with the profession of optometry and specifically shall not have the effect of repealing Act No. 1948, Acts of Alabama, 1971 Regular Session, Page 3146, approved September 20, 1971.

Section 19. Effective Date.—This act shall become effective on July 1, 1976, or upon its passage and approval by the Governor, or its otherwise becoming a law, whichever occurs last.

SUBSTITUTE TABLED

On motion of Mr. Sasser, the substitute offered by Mr. Johnson to the bill, H. 600 as amended, was tabled.

Yeas 54; Nays 15.

Yeas:

Mr. Speaker, Armstrong, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Gregg, Higginbotham, Holley, Hopping, Jackson (F), Jolly, Kelley, Kilian, Lee, LeFlore, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Warren and Williams.

—54

Nays:

Messrs.: Barron, Cooper, Crowe, Goodwin, Hall, Harris, Harrison, Howard, Leonard, Lewis, Naramore, Smith (M), Whatley, White and Wyatt.

—15

Mr. Johnson offered the following amendment to the bill, H. 600 as amended:

Amend Section 9, by deleting subsection (13) and renumber the remaining subsections accordingly.

AMENDMENT TABLED

On motion of Mr. Starkey, the amendment offered by Mr. Johnson to the bill, H. 600 as amended, was tabled.

Yeas 43; Nays 21.

Yeas:

Mr. Speaker, Andrews, Armstrong, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Dial, Drake, Falkenburg, Folmar, Ford, Gregg, Harris, Holley, Jolly, Kelley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Waggoner, Warren and Williams.

—43

Nays:

Messrs.: Boles, Coburn, Cooper, Crowe, Gafford, Goodwin, Greer, Hall, Harrison, Hines, Holmes, Johnson, Kinsey, Leonard, Lewis, Naramore, Riddick, Robertson, Smith (M), Whatley and Wyatt.

—21

Mr. Crowe offered the following amendment to the bill, H. 600 as amended:

Amend House Bill 600, Section 17, page 19, by deleting line 26 in its entirety and substituting therefor the following:

required for the sale, preparation, or fitting of eyeglasses, spectacles, or contact lenses in a retail optical

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hines, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Waggoner, Warren, Whatley, White and Wyatt.

—66

And the bill, H. 600 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn,

Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Jackson (F), Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—82

Nays:

Messrs.: Holmes and Naramore.

—2

RESOLUTION

The following resolution was introduced:

By Messrs. Kinsey and McMillan:

H. J. R. 378. NAMING THAT CERTAIN PORTION OF BALDWIN COUNTY ROAD 27 "MALBIS PLANTATION PARKWAY".

WHEREAS, County Road 27 located in Baldwin County is a part of the principal inland access to the many tourist attractions surrounding Mobile Bay; and

WHEREAS, one of the most significant attractions in that area is Malbis Plantation; and

WHEREAS, the Malbis Plantation was founded in 1906 by Jason Malbis and because of his request the Greek Orthodox Church, the Presentation of the Pheopokos (Mother of God) was constructed in 1965, some 22 years after this founder's death in Europe; and

WHEREAS, the people of the Malbis plantation brought the remains of Jason Malbis back from Europe to the community which he loved to rest forever in this church; and

WHEREAS, the edifice is unique in its design, and the interior is resplendently decorated with paintings applied by the brushes of artists from Greece, and the carvings and the stone from which the church is made were imported from Greece; and

WHEREAS, the Malbis Plantation has been visited by over 100,000 tourist a year to enjoy the beauty of the community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Baldwin County Road 27, which runs from U. S. Highway 31 to Baldwin County Road 64 is hereby designated "Malbis Plantation Parkway" and the State Highway Department shall cause appropriate signs and markers to be erected and maintained along said highway.

The resolution, H. J. R. 378, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 971. (With Substitute): To amend further Code of Alabama 1940, Title 42, Chapter 1, Sections 1, 2, 4, 5, and 8 as amended, relating to the board of pardons and paroles so as to increase the membership of the board and to prescribe the term of board members. To provide that the

chairman of the board shall serve as the executive and administer the affairs of the department. The chairman shall establish hearing dockets and appoint hearing panels of 2 members either to take action or pass the record of a hearing onto other members of the board for their action. The chairman may fill in on hearing panels. To alter provisions pertaining to parole of prisoners.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend further Code of Alabama 1940, Title 42, Chapter 1, Sections 1, 2, 4, 5, and 8 as amended, relating to the board of pardons and paroles so as to increase the membership of the board and to prescribe the term of board members. To provide that the chairman of the board shall serve as the executive and administer the affairs of the department. The chairman shall establish hearing dockets and appoint hearing panels of two members either to take action or pass the record of a hearing onto other members of the board for their action. The chairman may fill in on hearing panels. To alter provisions pertaining to parole of prisoners.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 42, Chapter 1, Sections 1, 2, 4, 5 and 8 as amended, are amended further to read as follows:

"Section 1. There shall be a board of pardons and paroles which shall consist of five members, but no two members of said board shall be residents of the same congressional district. Any vacancy occurring on the board, whether for an expired or unexpired term, shall be filled by appointment by the governor, with the advice and consent of the senate, from a list of three qualified persons nominated by a board consisting of the chief justice of the supreme court, as chairman, the presiding judge of the court of appeals, and the lieutenant governor. The nominating board shall as soon as practicable after a vacancy occurs, whether for an expired or unexpired term, meet, and select by majority vote the name of three persons to be submitted to the governor. It shall immediately thereafter submit its nominations to the governor, who shall make his appointment from such list within ten days thereafter. Appointments made at times when the senate is not in session shall be effective ad interim. Any appointment made by the governor while the senate is in session must be submitted by him to the senate not later than the third legislative day following the date of the appointment; any appointment made while the senate is not in session shall be submitted not later than the third legislative day following the reconvening of the legislature. In the event the senate fails or refuses to act on the appointment within five legislative days after its submission, the appointment shall be void and the person whose name was thus submitted shall not thereafter be reappointed. In the event an appointee is not confirmed by the senate, the nominating board shall make three nominations, and one of them shall be appointed and his appointment shall be submitted to the senate as herein provided. The nominating and appointing procedure required herein shall be continued and followed until an appointment is made and completed.

"Members of the present board of pardons and paroles whose terms expire in 1977 and 1979 shall continue to serve six-year terms to which they have been heretofore appointed, and until their successors shall have

been appointed and shall have qualified. The member appointed to succeed the member whose term expires in 1975 shall be appointed for six years, whether such appointment is made before or after this amendment becomes effective. Thus the members currently serving plus the one appointed in 1975 will be appointed for terms expiring respectively on June 30 of 1977, 1979 and 1981. Their respective successors shall each be appointed for terms of five years commencing on July 1, of the years 1977, 1979 and 1981, and every five years thereafter.

"The terms of the two additional board members provided for herein first appointed shall be for three and five years respectively, to expire on June 30, 1978 and June 30, 1980. At the expiration of such terms their successors shall be appointed for terms of five years, each beginning on July 1, 1978 and July 1, 1980 respectively.

"Any person appointed to fill the vacancy for an unexpired term shall vacate the office upon the expiration of that unexpired term. The governor shall designate one of said members as chairman and such chairman shall be the executive and administer the affairs of the department. The chairman shall preside at sessions of the board and it shall be his duty to appoint pardons and paroles board panels as provided herein, to establish hearing dockets and to fill in on hearing panels. Each member shall take the constitutional oath of office and shall be subject to impeachment for any of the causes specified in Section 173 of the Constitution; and the procedure in cases of impeachment shall be in the manner provided by Section 175 of the Constitution. Provided, that in the event the governor shall determine that any member of the board shall have become incapacitated, by reason of physical or mental disability or illness, to the extent that he cannot efficiently perform the duties of his office, he shall direct the attorney general to proceed to the determination of that issue in an inquisition proceeding instituted by him in the circuit court of Montgomery County, Alabama. In the event the issue is determined in said court against the board member, the court shall declare the office vacant and the same shall be vacated and a successor appointed, as hereinabove provided.

"The board of pardons and paroles may meet and transact business in panels. Each hearing panel shall consist of two members of the board. The panels will make their recommendations to the board. The actions of the entire board on the recommendation of the panel shall be by concurrence of not less than three members. In the event the prisoner has not served one-third or ten years of his sentence, which ever is the lesser, the record shall be submitted to all of the other board members for action by the entire board. All actions of the entire board shall be by concurrence of not less than three members.

"Section 2. The chairman, with the approval of the governor, may appoint a secretary and such clerical, stenographic, supervisory and expert assistants as may be necessary to carry out the provisions of this chapter. However, the selection of such assistants and the fixation of their salaries shall be subject to the provisions of the merit system.

"Section 4. Meetings of the board or board panels shall be held at the call of the chairman.

"Section 5. The board shall be charged with the duty of determining what prisoners serving sentences in the jails and prisons of this state may be released on parole and when and under what conditions, subject to the limitations set out in 'Section 3'. Such board shall also be charged with the duty of supervising all prisoners released on parole from the jails or prisons of the state and of lending its assistance and making such investigations as may be necessary in connection with the supervision of all prisoners placed on probation by courts exercising criminal jurisdic-

tion. The board shall be charged with, determining whether violation of parole or probation conditions exist in specific cases and, in the case of parolees deciding what action should be taken with reference thereto, and, in the case of probationers, causing reports of such investigations to be made to the judges of the courts having jurisdiction of the probationers and of aiding parolees and probationers to secure employment. It shall also be the duty of the board to review the progress of prisoners confined in the jails and prisons of the state at least once each year so as to determine their ultimate fitness to be paroled. Between October first and December thirty-first of each year, the chairman of the board shall make a full report of the board's activities and functions during the preceding year, which said report shall be prepared in quadruplicate and one copy thereof lodged with the governor, and one filed in the office of the secretary of state, and one in the office of the department of archives and history, and one copy thereof shall be retained in the permanent records of said board.

"Section 8. It shall be the duty of the board, upon its own initiative, to make an investigation of any and all prisoners confined in the jails and prisons of the state with a view of determining the feasibility of releasing said prisoners on parole and effecting their reclamation. Reinvestigations shall be made from time to time as the board may determine or as the department of corrections and institutions may request. The investigations shall include such reports and other information as the board may require from the department of corrections and institutions or any of its officers, agents or employees. It shall be the duty of said department of corrections and institutions to cooperate with the board for the purpose of carrying out the provisions of this chapter; temporary leave from prison, including Christmas furloughs, may be granted only by the director of corrections and institutions to a prisoner for good and sufficient reason and may be granted within or without the state. A permanent, written record of all such temporary leaves, together with the reasons therefore, shall be kept by such director. He shall furnish the pardon and parole board with a record of each such leave granted and the reasons therefor and the same shall be placed by the board in the prisoner's file.

"No prisoner shall be released on parole except by a majority vote of the board or board panel as provided herein nor unless the board is satisfied that he will be suitably employed in self-sustaining employment or that he will not become a public charge if so released. The board shall not parole any prisoner for employment by any official of the State of Alabama, nor shall any parolee be employed by an official of the State of Alabama and be allowed to remain on parole; provided, however, this shall not apply in the case of a parolee whose employer, at the time of the parolee's original employment, was not a state official. A prisoner who has served one third of his sentence shall not be released on parole except by an affirmative vote of two members of the board. The board shall not grant a parole to any prisoner who has not served at least one-third or ten years of his sentence, whichever is the lesser, except by a majority affirmative vote of the board; except there shall be a rebuttable presumption against a parole to any prisoner convicted of the second offense, a murder in any degree; and to any prisoner convicted of murder in the first degree until he has served a minimum of ten years; and to any prisoner convicted of arson in the first degree, burglary in the first degree, robbery or rape until he has served a minimum of five years.

"Provided that the Christmas furloughs authorized herein shall not be granted to any prisoner convicted of drug peddling, child molesting, or rape, or to any maximum security prisoner."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—70

And the bill, H. 971 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Sonnier, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—66

And the bill:

H. 788. (With Amendment): To further amend and reenact the Title and Act of Act No. 563, S. 8, Acts of Alabama 1965, Regular Session, at pages 1049-1050, as amended by Act No. 725, S. 82, Acts of Alabama 1967, Regular Session, at pages 1560-1561, relating to the reporting of incidents of abuse or neglect of children: by adding a new section 1, which gives definitions of "abuse", "neglect," "child" (meaning a person under the age of eighteen years), and "duly constituted authority"; by adding a new section 2, which gives the purpose of the Act; by amending section 1 to be section 3, to include further categories of persons who are required to report child abuse or neglect and to provide for reporting to a "duly constituted authority"; by adding a new section 4, which allows for permissive reporting of child abuse or neglect; by amending section 2 to be section 5; by adding a new section 6, which provides for protective custody of abused or neglected children; by adding a new section 7, which gives the duties of the department of pensions and security upon a

receipt of a report of child abuse or neglect; by adding a new section 8 which provides for the establishment of a central registry of reports of child abuse and neglect and also provides for the confidentiality of such reports and records, with a violation of this provision of confidentiality being a misdemeanor and punishable accordingly; by amending section 3 to be section 9; by amending section 4 to be section 10 and by excepting the attorney client privilege from the provision whereby the doctrine of privileged communication is not grounds for excluding evidence in judicial proceedings resulting from reports of child abuse or neglect; by adding a new section 11, which provides that in every case involving an abused or neglected child which results in a judicial proceeding, an attorney will be appointed to represent the child; by adding a new section 12 which provides that the department of pensions and security may make regulations as may be necessary to implement this Act; by amending sections 5, 6, 7 and 8 to be sections 13, 14, 15, and 16 respectively; and by making further changes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Public Welfare, said committee amendment being as follows:

Amend H. B. 788 by deleting Section 2 on page 11, line 12, in its entirety.

AMENDMENT TABLED

On motion of Mr. Manley, the amendment reported by the Standing Committee on Public Welfare to the bill, H. 788, was tabled.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Gregg, Harris, Higginbotham, Hines, Holmes, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Smith (C), Smith (J), Smith (M), Sonnier, Teague, Venable, Waggoner, Warren, Whatley and White.

—60

Nay: Mr. Robertson.

—1

Mr. Manley offered the following amendment to the bill, H. 788:

On page 5 line 25 strike out, the following words and figures: "appears to be suffering from" and insert in lieu thereof: is known or suspected to be a victim of.

Also on page 10, line 26 change the period at the end of sentence to a comma and add as a part of Section 11, the following: and serve as guardian ad litem for said child.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg,

Hall, Harris, Hill, Hines, Holley, Holmes, Hopping, Johnson, Jolly Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Teague, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—71

Mr. Killian offered the following amendment No. 1 to the bill, H. 788 as amended:

Amend H. B. 788 by adding another subsection after subsection (G) on line 5, page 10 and lettering same accordingly, said subsection to read:

(h) for use by an attorney or guardian ad litem in representing or defending a child or its parents or guardians in a court proceeding related to abuse or neglect of said child.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Hopping, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Teague, Whatley, White and Wyatt.

—70

Mr. Killian offered the following amendment No. 2 to the bill, H. 788 as amended:

Amend H. B. 788 by inserting the following sentence after the word and period "health." on line 27, page 6:

However, such official shall immediately notify the Court having jurisdiction over juveniles of such actions in taking the child into protective custody.

And the amendment was adopted.

Yeas 69; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Hopping, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Whatley, White and Wyatt.

—69

And the bill, H. 788 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
31st Day

3147

Yeas 67; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Homes, Hopping, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Whatley, White and Wyatt.

—67

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 379. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES That when the House reaches the hour of 5:00 o'clock p.m. on the thirty-first legislative day that it will recess for one hour and one-half and will return to work at 6:30 o'clock p.m. for the continuation of the business of the House.

The motion offered by Mr. Manley to suspend the rules in order to take up for immediate consideration the resolution, H. R. 379, was lost, lacking a four-fifths vote.

Yeas 36; Nays 35.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Clark, Cooper, Edwards, Folmar, Gafford, Gregg, Hall, Kennedy, Lewis, McMillan, McNair, McNees, Manley, Martin, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Riddick, Sandusky, Smith (J), Sonnier, Teague, Venable, Whatley and White.

—36

Nays:

Messrs.: Baker, Barron, Callahan, Cates, Cross, Dial, Glass, Greer, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Johnson, Kelley, Killian, Lee, LeFlore, Leonard, Lutz, McCluskey, Merrill, Mitchem, Plaster, Quarles, Roberts, Robertson, Sasser, Smith (B), Smith (C), Waggoner, Warren and Wyatt.

—35

And the resolution, H. R. 379, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 1642. (With Substitute): A bill to regulate and promote the public health and to authorize the State Board of Health to declare a moratorium on health facility construction and equipping in all health services areas in which the Alabama Master Hospital Plan indicates that need for health facility beds, services, and equipment has been met; to repeal Section 13 of Act No. 530, Regular Session 1949.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

A bill to regulate and promote the public health and to authorize the State Board of Health to declare a moratorium on health facility construction and equipping in all health services areas in which the Alabama Master Hospital Plan indicates that need for health facility beds, services, and equipment has been met; to repeal Section 13 of Act No. 530, Regular Session 1949.

Be It Enacted by the Legislature of Alabama:

Section 1. Moratorium on health care facility construction authorized. The State Board of Health is hereby authorized to declare a moratorium on the construction and expansion of hospitals, nursing homes, and related health care facilities in those hospital services areas as defined in the Alabama Master Hospital Plan in which the existing hospitals, nursing homes, and related health care facilities provide the number and quantity of beds and services that meet or exceed the number of beds and services programmed in the Alabama Master Hospital Plan. The duration of the moratorium shall be at the discretion of the State Board of Health and may be waived temporarily in cases of extreme need. The term "existing beds" shall include beds licensed and in service, beds under construction, and beds included on valid Assurances of Need issued pursuant to the provisions of Section 1122 of the Social Security Act.

Section 2. Effective Date of Moratorium. The moratorium declared pursuant to this Act shall become effective thirty days after the declaration thereof and following the insertion of legal notices in newspapers having circulation in the counties named in the declaration of moratorium.

Section 3. Denial of license to operate health care facilities. The State Board of Health shall not issue a license to establish, conduct or maintain any hospital, nursing home or related health care facility under Act 530, Regular Session 1949, for which an obligation for a capital expenditure was incurred **FOR CONSTRUCTION OR EXPANSION OF BED CAPACITY OR SERVICES NOT AUTHORIZED BY A VALID ASSURANCE OF NEED** during the period of any moratorium declared under the provisions of this Act.

Section 4. Severability Clause. The provisions of this Act are severable; if any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. Laws Repealed. The provisions of this Act are cumulative and insofar as possible, they shall be construed in Pari Materia with other laws relating to public health, nevertheless, all laws or parts of laws which conflict with this Act are repealed; and Section 13 of Act No. 530, H. 635, of the Regular Session of 1949 is specifically repealed.

Section 6. Effective Date. This Act shall become law effective upon its passage by the Legislature and approval by the Governor, or its otherwise becoming a law.

REGULAR SESSION
31st Day

3149

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Venable, Waggoner, Whatley, White and Wyatt.

—68

And the bill, H. 1642 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hopping, Howard, Jolly, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Starkey, Teague, Venable, Whatley, White and Wyatt.

—61

Nays:

Messrs.: Killian and Robertson.

—2

And the bill:

H. 1782. Relating to payments by the State of Alabama for patients in intermediate care facilities.

Was taken up.

Mr. Pegues offered the following amendment to the bill:

Amend H. B. 1782 as follows:

In the Synopsis, on line 11, strike the period, (.) and insert a comma (,) and insert thereafter the following:

and requires such patient's responsible family member or legal guardian to pay the 15% difference

After Section 1, line 28, insert the following section and renumber subsequent sections:

Section 2. Anything to the contrary notwithstanding, the responsible family member or legal guardian of any patient who comes under the provisions of this act, shall bear the responsibility of the fifteen per cent (15%) difference.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Dial, Drake, Folmar, Gafford, Goodwin, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Lee, Leonard, Lewis, Lutz, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Venable, Whatley, White and Wyatt.

—62

MOTION TO POSTPONE LOST

The motion offered by Mr. Armstrong to postpone the bill, H. 1782, to the thirty-second legislative day, was lost.

Yeas 16; Nays 37.

Yeas:

Messrs.: Armstrong, Boles, Cates, Coburn, Cross, Dial, Edwards, Goodwin, Lewis, Lockett, Malone, Manley, Morris, Quarles, Roberts and Trammell.

—16

Nays:

Mr. Speaker, Albright, Barron, Brindley, Campbell, Carter, Folmar, Gafford, Gregg, Harris, Higginbotham, Hines, Hopping, Howard, Jackson (F), Kelley, Killian, Kinsey, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Rich, Sasser, Smith (B), Smith (J), Tucker, Venable and White.

—37

And the bill, H. 1782 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 51; Nays 18.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Drake, Folmar, Gafford, Gregg, Harris, Harrison, Higginbotham, Hines, Jackson (F), Johnson, Killian, Kinsey, Leonard, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Robertson, Smith (B), Smith (J), Smith (M), Starkey, Tucker, Venable, Waggoner, Whatley, White and Wyatt.

—51

Nays:

Messrs.: Andrews, Armstrong, Boles, Coburn, Cross, Goodwin, Greer, Hall, Hopping, Jolly, Kelley, Lockett, McNees, Moore (O), Morris, Riddick, Roberts and Sasser.

—18

MOTION TO RECESS

Mr. Manley offered the motion that the House recess until 6:30 o'clock p.m.

SUBSTITUTE MOTION OFFERED

Mr. Lutz offered the substitute motion that the House recess until 7:00 o'clock p.m.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Callahan that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, to the substitute motion offered by Mr. Lutz, was lost.

Yeas 14; Nays 58.

Yeas:

Messrs.: Barron, Callahan, Coburn, Goodwin, Holmes, Johnson, Killian, LeFlore, Malone, Merrill, Porter, Riddick, Robertson and Wyatt.

—14

Nays:

Messrs.: Albright, Andrews, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Kelley, Kinsey, Leonard, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sasser, Smith (C), Smith (J), Sparks, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Whatley and White.

—58

SUBSTITUTE MOTION LOST

The question was then on the substitute motion offered by Mr. Lutz that the House recess until 7:00 o'clock p.m., and the substitute motion was lost.

Yeas 22; Nays 51.

Yeas:

Messrs.: Albright, Barron, Brindley, Harris, Holmes, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, Malone, Merrill, Mitchem, Moore (W), Quarles, Robertson, Sasser, Starkey and Wyatt.

—22

Nays:

Messrs.: Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (J), Sparks, Teague, Trammell, Tucker, Venable, Waggoner and Whatley.

—51

MOTION TO RECESS LOST

The motion offered by Mr. Manley that the House recess until 6:30 o'clock p.m., was lost.

Yeas 26; Nays 51.

Yeas:

Mr. Speaker, Andrews, Armstrong, Brindley, Carter, Clark, Cooper, Gregg, Hopping, Kinsey, McMillan, McNees, Malone, Manley, Martin,

Moore (O), Morris, Naramore, Owens, Quarles, Rich, Sandusky, Smith (J), Teague, Venable and Whatley.

—26

Nays:

Messrs.: Albright, Baker, Barron, Biddle, Campbell, Carothers, Cates, Coburn, Cross, Dial, Drake, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, Merrill, Mitchem, Pegues, Porter, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Sparks, Starkey, Trammell, Tucker, Waggoner, White and Wyatt.

—51

SPECIAL ORDER RESUMED

And the bill:

H. 1783. Relating to eligibility requirements for medical assistance from the State of Alabama, including but not limited to nursing home patients.

Was taken up.

Mr. Smith (B) offered the following substitute to the bill:

A BILL TO BE ENTITLED AN ACT

Relating to eligibility requirements for medical assistance from the State of Alabama, including but not limited to nursing home patients.

Be It Enacted by the Legislature of Alabama:

Section 1. Subject to the limitations established by the Social Security Act as amended and the regulations established thereunder, any applicant for medical assistance, including but not limited to nursing home patients, under the Medicaid program who has assigned or transferred assets during the 2 years before filing an application for Medical Assistance, which results in a loss of a resource that would have been available to meet medical expenses, shall be found ineligible. In determining whether or not the transfer was for the purpose of meeting eligibility requirements, the following factors shall be considered:

- (1) The reason for the transfer,
- (2) The amount received in relation to the person's full equity,
- (3) Whether or not the proceeds were used for reasonable living expenses or medical expenses before application,
- (4) Competency of the applicant/recipient at the time of the transfer.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake,

Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McNeese, Malone, Manley, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Waggoner, Whatley, White and Wyatt.

—67

Yay: Mr. Tucker.

—1

And the bill, H. 1783 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McNeese, Malone, Manley, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Waggoner, Whatley, White and Wyatt.

—69

And the bill:

H. 1784. (With Substitute): Providing for the annual audit of all nursing homes in Alabama and the distribution of the auditors report.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for the annual audit of all nursing homes in Alabama and the distribution of the auditors report.

Be It Enacted by the Legislature of Alabama:

Section 1. The Medical Services Administration of the Alabama Department of Public Health shall perform an annual audit of all nursing homes in the State of Alabama participating in Medicaid, and shall include the information developed in said audit in a report to the State Audit Committee established by Act No. 37 of the Organizational Session 1975 with a copy of said report being delivered to the Governor, State Budget Officer and the Legislative Fiscal Officers no later than the 10th Legislative day of each Regular Session of the Alabama Legislature, commencing with the Regular Session in 1977.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Whatley, White and Wyatt.

—63

And the bill, H. 1784 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Whatley, White and Wyatt.

—66

And the bill:

H. 1785. (With Substitute): Relating to allowances allowed patients receiving state assistance at nursing homes.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to allowances allowed patients receiving state medical assistance at nursing homes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any amount retained by Medicaid patients in nursing homes for personal needs allowance shall in no event be greater than \$25.00, subject however to the limitations established by the Social Security Act as amended and the regulations established thereunder.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, but not before October 1, 1975.

REGULAR SESSION
31st Day

3155

And the substitute was adopted.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Whatley, White and Wyatt.

—68

Nays: Messrs.: Malone and Sasser.

—2

And the bill:

H. 1785. Relating to allowances allowed patients receiving state medical assistance at nursing homes.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 5.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Brindley, Campbell, Carter, Cates, Clark, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harris, Hill, Hines, Hopping, Howard, Jackson (F), Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Whatley, White and Wyatt.

—59

Nays: Messrs.: Boles, Jolly, Malone, Morris and Sasser.

—5

RECESS

On motion of Mr. Carter, the House recessed for one hour.

HOUSE RECONVENED

The House reconvened, The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Wilson:

S. 1126. To create the office of senior legislative counsel; to prescribe the qualifications, duties and term of all such officers; and to make appropriations from the state general fund to pay the salaries of all senior legislative counsel.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1126. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Messrs. Torbert, Flippo, McMillan, Clemon, Pearson, King, Shelby, Stewart, Perloff, Roberts, Mitchell, Vacca, Ellis, Powell, Bank, Weaver, Givhan, Little, St. John, Baker, Adams, McDonald (S), Waldrop, Noonan and Perry:

S. 400. To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contents of this Act are organized as follows:

The judicial authority of the state is vested in a unified system; amending Section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has general supervision of judges and other officers; circuit court has jurisdiction of appeals from municipal and district courts.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; amends sections 115, 123, 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district judges; provision for primary and secondary system of trials; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court within geographic bounds constituting a district, designating places within districts where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of involuntary commitment cases, if transferred from probate court; jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals Act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised; appointment of referees; probation services; advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints; court custody, detention and shelter care; transfer to criminal court; right to counsel; disposition of neglected and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 and sections 239, 252 (a8), 252 (a9), 252 (a10), 252 (a11), 252 (a12), 252 (a13), 252 (a14), 252 (a15) and 252 (a16) of title 45 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; court facilities; travel expenses of appellate court personnel; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated district court judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation if circuit clerks employee benefits for transferred personnel positions of confidential secretaries for judges and clerks and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Provision for the presiding circuit judge to administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system; provides for personnel policies; provides for the attendance by judges and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over three fiscal years; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals section 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 1 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6, 7, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case, repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such, and of individual articles or sections.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 400. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 71-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Gilmore, Vacca and Pearson.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Bank, Fine and Torbert.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 130. TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There shall be an Interim Committee on Finance and Taxation, to meet during the interim between approval date of this resolution and the opening day of the regular session of the Legislature in May 1976 and again between the 1976 Regular Session and the 1977 Regular Session and again between the 1977 Regular Session and the 1978 Regular Session, whose duty it shall be to make a careful investigation and study of the financial condition of the State, hold budget hearings, inquire into ways and means of financing state government and its programs, and report its findings and recommendations as herein provided. The Committee shall be composed of the Senate Standing Committee on Finance and Taxation, the President Pro Tempore of the Senate, the Lieutenant Governor and four members of the Senate to be appointed by the Lieutenant Governor and the members of the House Standing Committee

on Ways and Means, the Speaker Pro Tempore of the House, the Speaker of the House and four members of the House to be appointed by the Speaker of the House. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be Ex Officio members of the Committee.

2. The Chairman of the Senate Committee on Finance and Taxation shall be Chairman of said Committee and the Chairman of the Ways and Means committee shall be Vice Chairman. The Chairman of the Committee, or in his absence the Vice Chairman, shall set the schedule and program for committee work. He shall fix the days and hours of meeting and of conducting hearings and examining witnesses who appear before the committee. He may appoint subcommittees and invest them with such authority as may be deemed necessary to conduct the committee's business and expedite its work. The Chairman of the Committee may employ such clerical, legal, technical, and expert assistance as the committee may find necessary in performing its duties.

3. The committee shall determine the amount to be paid employees, who shall be paid in accordance with Title 32, Section 13, Code of Alabama. The members of the committee shall be paid the same compensation and expenses that they receive while in legislative session. The payment of all compensation and expenses under this resolution shall be paid from funds appropriated to the use of the Legislature.

4. The final report of the committee, along with findings and recommendations, shall be submitted to the Governor no later than the fifth legislative day of the regular session for the year in which such committee is reporting. Upon the submission of the final report in 1978 the committee shall stand dissolved.

McDOWELL LEE,
Secretary.

The resolution, S. J. R. 130, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 413. Relating to livestock dealers, the annual permit required of such dealers, bills of sale required and removal of the prohibition of the sale of livestock at night: to amend Section 385, as amended, and Section 386 of Title 2 of the Code of Alabama of 1940, relating to livestock dealers, the annual permit required and the fee required therefor, bills of sale and bills of lading required thereunder; and to repeal Section 387 of Title 2 of the Code of Alabama of 1940 which prohibits the sale of livestock after sunset or before sunrise.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Dial, Drake, Edwards, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley and White.

And the bill:

H. 415. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Was taken up.

H. 415 POSTPONED

On motion of Mr. Mitchem, the bill, H. 415, was postponed to the thirty-second legislative day.

And the bill:

H. 416. Relating to the payment by the State of Alabama of compensation to surviving dependents of certain peace officers and firemen killed in the line of duty to redefine the term "peace officer": to further amend Section 1 of Act No. 208, S. 34, (Acts of Alabama, 1966 Special Session, page 256), which Act provides for the payment by the State of Alabama of compensation to the surviving dependents of certain peace or law enforcement officers or certain firemen killed in the course of employment, said Section of said Act being last amended by Act No. 1130, S. 482, Legislature of 1969, (Acts of 1969, Vol. III, p. 2094); to further define the term "peace officer" as used in said Act No. 208, Legislature of 1966, Special Session, as amended, to include "livestock theft investigators" of the Department of Agriculture and Industries as "peace officers".

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Cross, Dial, Drake, Edwards, Folmar, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable and Whatley.

—60

And the bill:

H. 548. (With Amendment): Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse: to require an

annual filing fee of fifteen dollars to be paid by persons operating a public warehouse: to prescribe the effective date of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 548 on page 1, in lines 7 and 16, and also on page 2, in lines 19 and 24, by striking therefrom the words and figures, viz; fifteen (\$15.00) and substituting in lieu thereof the following words and figures:

twenty-five (\$25.00)

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

—62

And the bill:

H. 548. Relating to public warehouses: to amend Section 570 of Title 2 of the Code of Alabama 1940 which relates to the annual filing fee to be paid to the Department of Agriculture and Industries by persons who operate a public warehouse: to require an annual filing fee of twenty-five dollars to be paid by persons operating a public warehouse; to prescribe the effective date of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammel, Turnham, Venable, Whatley and White.

—60

And the bill:

H. 549. (With Amendment): Relating to persons engaged in the business of weighing for hire, known as weighmasters: to amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and

Industries by persons engaged in the business of weighing for hire and designated as weighmaster; increase said fee to five dollars; to prescribe the effective date of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 549 on lines 7, 15 and 22 by striking therefrom the words and figures, viz; five dollars (\$5.00) and substituting in lieu thereof the following words and figures:

ten dollars (\$10.00)

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—63

And the bill:

H. 459. Relating to persons engaged in the business of weighing for hire, known as weighmasters: to amend Section 630 of Title 2, Code of Alabama 1940, to increase the annual permit fee required to be paid to the Commissioner of Agriculture and Industries by persons engaged in the business of weighing for hire and designated as weighmaster; increase said fee to ten dollars; to prescribe the effective date of this Act.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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And the bill:

H. 550. Relating to persons engaged in the business of buying and selling livestock required to be licensed and bonded; to amend Section 3 of Act No. 568, S. 201, Legislature of 1969, approved August 29, 1969 (Acts of 1969, Vol. II, p. 1049) by requiring persons engaged in the

business of buying and selling livestock as a livestock dealer to pay an annual license fee of \$20.00; to provide for the effective date of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner, Whatley and White.

—60

The bill, H. 552 was called, and on motion of Mr. Mitchem, the bill, S. 457 was substituted for the bill, H. 552.

And the bill:

S. 457. Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be five dollars; to prescribe the effective date of this Act.

Was taken up.

Mr. Mitchem offered the following amendment to the bill:

Amend Senate Bill 457 on lines 8, 18, 26 and 27 by striking therefrom the words and figures, viz: five dollars (\$5.00) and substituting in lieu thereof the following words and figures:

ten dollars (\$10.00)

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

—63

And the bill, S. 457, as amended, was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harrison, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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And the bill:

H. 552. (With Amendment): Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be five dollars; to prescribe the effective date of this Act.

Was taken up.

H. 552 INDEFINITELY POSTPONED

On motion of Mr. Mitchem, the bill, H. 552 with pending amendment, was indefinitely postponed.

And the bill:

H. 694. (With Amendment): Relating to cotton gins and the regulations thereof by the Department of Agriculture and Industries: to amend Section 172 of Title 2 of the Code of Alabama of 1940, as heretofore amended by Act No. 401, H. 190, approved August 16, 1965, (Acts of Alabama of 1965, Vol. I, p. 577) relating to the annual permit fee required for the operation of a cotton gin; prescribing the amount of such permit fee, and the date on which this Act shall become effective.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Agriculture, said committee amendment being as follows:

Amend House Bill 694, Section 1, line 23 by striking the words and figures Fifteen Dollars (\$15.00) and inserting in lieu thereof the words and figures Twenty-five Dollars (\$25.00).

Also, amend House Bill 694, Synopsis, line 5 by striking the figures \$15.00 and inserting in lieu thereof the figures \$25.00.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Bindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines,

Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—66

And the bill, H. 694 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—66

And the bill:

H. 1684. Relating to the sale of agricultural liming materials; to regulate the manufacture, sale and distribution of agricultural lime or liming materials by requiring such manufacturers, distributors or sellers thereof to obtain an annual permit from the Commissioner of Agriculture and Industries, prescribing the fee therefor; requiring such product to be labeled; prescribing the powers, duties and authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries for the administration and enforcement of this Act; to levy an inspection fee upon agricultural liming materials based upon the sale thereof; providing for the assessment and payment of monetary penalties where agricultural liming materials are deficient pursuant to standards or requirements as fixed by the State Board of Agriculture and Industries; other administrative and enforcement provisions including a penalty for violations of this Act; to repeal Article 22 of Chapter 1 of Title 2 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

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The bill, H. 1388, was called, and on motion of Mr. Brindley, the bill, S. 933, was substituted for the bill, H. 1388.

And the bill:

S. 933. To amend Sections 15, as amended, 16 and 26 of Act No. 1049, S. 8, Legislature of 1969 (Regular Session), approved September 12, 1969 (Acts of 1969, Vol. III, pp. 1939-1965), an Act to provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and poultry, and the preparation of carcasses, parts thereof, meat and meat food products of such animals, etc.; amend Sections 15 and 16 of said Act No. 1049 which relate to exceptions from the provisions of said Act by rules and regulations, and amend Section 26 of said Act No. 1049 which relates to enforcement of said Act by injunctive proceedings.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

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And the bill:

H. 1388. To amend Sections 15, as amended, 16 and 26 of Act No. 1049, S. 8, Legislature of 1969 (Regular Session), approved September 12, 1969 (Acts of 1969, Vol. III, pp. 1939-1965), an Act to provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and poultry, and the preparation of carcasses, parts thereof, meat and meat food products of such animals, etc.; amend Sections 15 and 16 of said Act No. 1049 which relate to exemptions from the provisions of said Act by rules and regulations, and amend Section 26 of said Act No. 1049 which relates to enforcement of said Act by injunctive proceedings.

Was taken up.

H. 1388 INDEFINITELY POSTPONED

On motion of Mr. Brindley, the bill, H. 1388, was indefinitely postponed.

And the bill:

H. 962. To make a supplemental appropriation to the State Agency for Social Security from funds known as the Social Security Contribution Fund in the State Treasury for the Fiscal year ending September 30, 1976.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards,

Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Turnham, Waggoner, Whatley and White.

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RESOLUTION

The following resolution was introduced:

By Mr. Biddle:

H. J. R. 380. COMMENDING THE FULTONDALE HIGH SCHOOL BAND.

WHEREAS, the Fultondale High School Band of Fultondale, Alabama, has in three short years distinguished itself by winning numerous state, regional and district honors; and

WHEREAS, during the last year, under the leadership of Mr. Danny J. Glaze, its director, and Mr. Jack Hazelrigg, the principal of Fultondale High School, its many distinctions and honors have brought recognition to the school, community and state, including: Appearing on national television last December at half-time during the Blue-Gray classic; rating superior at the Tarrant Marching Festival; representing District IV at the State Band Competition where the band received a rating of good; and

WHEREAS, this 100-member band has many individuals who have earned county and state honors, and its one-year old jazz ensemble is looking forward to its first competition this year; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Fultondale High School Band of Birmingham, Alabama, be commended for its achievements and excellence of performance and that said band, its capable and dedicated director, Mr. Danny J. Glaze, and its principal, Mr. Jack Hazelrigg, be further commended for the distinction and honor that they have brought upon its members, Fultondale High School, the community and state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Fultondale High School Band, Mr. Danny J. Glaze, and Mr. Jack Hazelrigg.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 380, on the Clerk's desk for one legislative day.

SPECIAL ORDER RESUMED

And the bill:

H. 1586. (With Amendments): To amend Sections 1, 2, 3, 4, 5, 6, 13, 13½, 14, 15, 16, 18, 19, 20, 24, 25, 28, 29, 33, 35, 39, 41, 42, 44, 49, 50, 52, 55, 57, 62, 69, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 89, 90, 92, 93 and 106 of Act No. 207, S. 134, Regular Session 1949 (Acts 1949, p. 242), as amended, the Act known as the "Alabama Coal Mine Safety Law of 1949", so as to further provide for the health and safety of persons engaged in the mining of coal; for the qualifications and duties of mine inspectors; for the regulation and inspection of underground coal mines in accordance with modern mining practices; for

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equipment and ventilation standards in order to promote health and safety; for the safe design, maintenance and use of mechanical and electrical equipment; for required first aid and safety equipment; for the establishment of operating procedures to promote mining health and safety.

Was taken up.

The question was then on the adoption of the amendment No 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

HOUSE BILL 1586 is hereby amended by deleting the sentence which begins on line 15 through the first word of line 21 on page 4 and substituting in lieu thereof the following:

Whenever any exigency arises by which it is impossible for an operator, owner or lessee to secure the immediate service of a certified mine foreman or fire boss, he may employ a person who also has the same qualifications by experience, concurred in by the Chief or Mine Inspector delegated by the Chief, to act as temporary mine foreman or fire boss for a period not to exceed 15 days. The requirements for a temporary mine foreman or fire boss shall be no more severe than those contained in Federal Regulations.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Quarles, Rich, Roberts, Sasser, Smith (B), Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

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The question was then on the adoption of the Amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 1586, Section 3, page 2, by inserting after the word "Director." on line 36, the following:

"At the commencement of any inspection of a coal mine as provided herein, the authorized representative of the miners at the mine at the time of such inspection shall be given an opportunity to accompany the mine inspectors on any such inspection."

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Killian, Kinsey, Lockett, Lutz, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore,

Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—57

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Amend House Bill 1586 by deleting in its entirety Section 87, page 28, lines 26 through 35, and substituting therefor the following:

"Section 87. The operator of every coal mine shall make to the Department a correct report each three months of the calendar year specifying the name of the owner and operator of the mine and the location of the offices of said coal mine or mine or mines and the quantity and kind of coal produced in each such mine for each such calendar quarter. Said report shall be furnished on or before April 15, July 15, November 15, and January 15 covering the previous three months' operation of said mine. Said report shall be prima facie evidence of the information contained therein and shall be in such form and give such additional information regarding said mines as may be, from time to time, required and prescribed by the Department. Blank forms for such reports shall be furnished to said owner or operator by the Department."

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Lockett, McMillan, McNair, McNees, Malone, Martin, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Trammell, Turnham, Venable, Whatley and White.

—55

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on State Administration, said committee amendment being as follows:

House Bill 1586 is hereby amended by deleting lines 26 and 27 on page 16 and substituting in lieu thereof the following:

(g) A waiting station shall be provided where men are required to wait for man trips or man cages.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on State Administration, said committee amendment being as follows:

House Bill 1586 is hereby amended by deleting lines 33 through 38 on page 3 and substituting in lieu thereof the following:

Have had four years of practical mining experience; or have had three years practical experience in or around coal mines and be a graduate of a school accredited by the American Association of Universities, or have satisfactorily completed an Associate Degree Program in Mine Technology at an approved State Trade School or university; and

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—63

And the bill, H. 1586 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—67

And the bill:

H. 498. Relating to State Government administration; abolishing the Fort Morgan Historical Commission and transferring to the Department of Conservation and Natural Resources, Division of State Parks all the powers and duties of said Commission and further transferring all assets, materials, supplies and employees to the said Division of State Parks; to provide for the expenditure of funds for the operation and maintenance of said facility. To abolish the offices of Secretary and Historian and Assistant Secretary, Fort Morgan Historical Commission; to specifically repeal all portions of Act Number 204, Acts of Alabama 1955, p. 497, as amended, which conflict with the provisions of this Act.

Was taken up.

Mr. Sandusky offered the following amendment to the bill:

On page 2 at line 20 after the period following the word "Legislature" and the following:

The commissioner shall also have the authority to appoint a curator for the museum at Fort Morgan, such curator shall be subject to the merit system law of the state of Alabama and shall be learned in the history of the civil war as well as possess the qualifications established by the state Personnel Department for the position of curator of museums. Such curator shall be paid out of funds otherwise used for the support of Fort Morgan.

And the amendment was adopted.

Yeas 60; Nays 1.

Yeas:

Messrs.: Albright, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFore, Leonard, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Starkey, Teague, Tucker, Turnham, Venable, Waggoner, Whatley and White.

—60

Nay: Mr. Harrison.

—1

And the bill, H. 498 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—65

Nay: Mr. McNair.

—1

REPORT OF COMMITTEE ON CONFERENCE ON HOUSE BILL 857

We, the committee on conference appointed to reconcile the difference of the two houses concerning House Bill 857, as amended by the Senate, have met in conference, considered the matter in conference, and have agreed to the following report:

Amend House Bill 857 by deleting in its entirety the Senate amendment.

Wayland Cross
Richard S. Manley
Murray P. McCluskey

Conferees on the part of the House

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C. C. Torbert, Jr.
Bert Bank
Joe Fine

Conferees on the part of the Senate

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Cross, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 857, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 57; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Quarles, Roberts, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—57

And the bill:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 53; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Glass, Gregg, Harrison, Hines, Hopping, Howard, Jolly, Kelley, Kinsey, Leonard, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Roberts, Sasser, Smith (B), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and Whatley.

—53

SPECIAL ORDER RESUMED

And the bill:

H. 1378. (With Amendment): Providing that school bus drivers shall have up to 5 days of paid sick leave per year.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1378 on line 35, section 2, by striking the word, viz; ninety and placing in lieu thereof the following words:

twenty-five

Further amend House Bill 1378 on line 37 by striking the word, viz; ninety and placing in lieu thereof the following words:

twenty-five

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Glass, Greer, Gregg, Hill, Hines, Hopping, Howard, Jolly Killian, Kinsey, LeFlore, Leonard, Lockett, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (J), Starkey, Teague, Trammell, Turnham, Waggoner and Whatley.

—55

Mr. Rich offered the following amendment to the bill, H. 1378 as amended:

Amend H. B. 1378 by adding the following section, as Section four and re-numbering the succeeding sections in accordance.

Section 4. One hundred thousand dollars is hereby appropriated from the Special Education Trust Fund to carry out the provisions of this act.

And the amendment was adopted.

Yeas 49; Nays 6.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Glass, Gregg, Hall, Higginbotham, Hill, Hines, Howard, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Starkey, Teague, Venable and Waggoner.

—49

Nays: Messrs.: Carothers, Dial, Harrison, Pegues, Sasser and Whatley.

—6

MOTION TO POSTPONE TABLED

On motion of Mr. Rich, the motion offered by Mr. Carothers to postpone the bill, H. 1378 as amended, to the thirty-second legislative day, was tabled.

Yeas 50; Nays 14.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carter, Cates, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Greer, Gregg, Hall, Harrison, Hill, Hines, Hopping, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lutz, McCluskey, McNair, McNeese, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Rich, Roberts, Sandusky, Smith (C), Starkey, Teague Trammell, Turnham and Waggoner.

—50

Nays:

Messrs.: Barron, Campbell, Carothers, Gafford, Howard, Lockett, Pegues, Plaster, Quarles, Riddick, Sasser, Smith (B), Venable and White.

—14

And the bill, H. 1378 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carter, Cates, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague Trammell, Turnham, Venable, Waggoner and White.

—68

Nay: Mr. Carothers.

—1

And the bill:

H. 1271. (With Substitute) (With Amendment): To provide for immunity for political subdivisions for personal injury, death or damages to property by reason of acts committed or omitted in the exercise of governmental functions, and defining political subdivisions.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide a procedure for the presentation of tort claims against political subdivisions; providing exceptions to liability; establishing procedures for filing claims and the contents of such claims; providing for the handling of such claims; establishing jurisdiction and venue of such claims; barring recovery of punitive damages except in cases involving wrongful death; authorizing political subdivisions to purchase insurance and establishing minimum requirements of such insurance; and authorizing the levy of a tax as necessary to pay claims or judgments.

Be It Enacted by the Legislature of Alabama:

Section 1. Short title.—This Act shall be known and may be cited as the "Alabama Tort Claims Act."

Section 2. Legislative declaration.—It is recognized by the Legislature that the doctrine of sovereign immunity, whereunder the political subdivisions are often immune from suit for injury suffered by private persons, is, in some instances, a harsh doctrine. The Legislature also recognizes that the Supreme Court has abrogated the doctrine of govern-

mental immunity for some political subdivisions effective July 10, 1975, and in so doing recognized the authority of the Legislature to enter the entire field, and further recognized its superior position to provide with proper legislation any limitations or protections it deemed necessary. It is further recognized that the political subdivisions, by virtue of the services and functions provided, the powers exercised, and the consequences of unlimited liability to the governmental process should be liable for their actions and those of their agents only to such an extent and subject to such conditions as are provided by this Act. The Legislature also recognizes the disability of including within one Act all the circumstances under which the political subdivisions may be liable in actions, other than contract, and that the distinction for liability purposes between governmental and proprietary functions should be abolished.

Section 3. Definitions.—(1) "Political subdivision" shall mean any incorporated municipality, any county and any department, agency, board or commission of any municipality or county, and municipal or county public corporations and any instrumentality thereof acting jointly. "Political subdivision" shall also include county public school boards, municipal public school boards, and city-county school boards when such boards are not functions of the State of Alabama. "Political subdivision" shall also mean county or city hospital boards when such boards are instrumentalities of the municipality or county or organized pursuant to authority from a municipality or county. (2) "Governmental entity" means and includes political subdivisions as herein defined. (3) "Employee" means an officer, official, employee or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently, in the service of the governmental entity, whether with or without compensation, but the term "employee" shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this Act applies in the event of a claim. (4) "Bodily injury" means any bodily injury, sickness, disease, or death sustained by any person or caused by an occurrence. (5) "Property damage" means injury or destruction to tangible property caused by an occurrence. (6) "Claim" means any claim against a governmental entity, for money damages only, which any person is legally entitled to recover as damages caused by bodily injury or property damage caused by a negligent or wrongful act or omission committed by any employee of the governmental entity while acting within the scope of his employment, under circumstances where the governmental entity, if a private person, would be liable to the claimant for such damages under the laws of the State of Alabama.

Section 4. Liability of governmental entities for torts.—Except as otherwise provided in this Act, every governmental entity is subject to liability for its torts and those of its employees acting within the scope of their employment or duties, whether arising out of a governmental or proprietary function.

Section 5. Exceptions to governmental liability.—A governmental entity shall not be liable for any claim which: (1) arises out of assault, battery, false imprisonment, false arrest or malicious prosecution except where such acts have been ratified or directed by the governmental entity; (2) arises out of any act or omission of an employee of a governmental entity exercising due care in the execution of a statute, ordinance or regulation, which statute, ordinance or regulation is declared invalid; (3) arises out of or results from riots, unlawful assemblies, public demonstrations, mob violence, and civil disturbances proximately caused by third parties; (4) arises out of a plan or design

for construction or improvement to the highways, roads, streets, bridges or other public property where such plan or design is prepared in conformity with standards in effect at the time of the construction; (5) arises from any claim for injury to or death of any employee of a governmental entity covered by the workmen's compensation law; (6) arises out of any claim based upon the failure to exercise or perform a discretionary function; (7) arises out of any claim which is limited or barred by the provisions of any other statute; (8) arises out of the denial, suspension or revocation of any permit or license after a public hearing; (9) arises out of a failure to make an inspection of any property; (10) arises out of an injury caused by the claiming or failure to claim public welfare goods or monies; (11) arises out of the operation of emergency vehicles owned by a governmental entity when on an emergency call; (12) nothing contained herein shall operate to deprive any governmental entity of any defense otherwise available under the laws of the State of Alabama.

Section 6. Defect in streets.—No claim shall be brought against any governmental entity on account of injuries received by persons or property for failure to remedy defects in the public roads, bridges, tunnels, streets, alleys, public ways or buildings unless the same has been called to the attention of the governing body of the governmental entity or unless the same had existed for such unreasonable length of time as to raise a presumption of knowledge of such defect on the part of the said governing body.

Section 7. Suits based on joint torts.—The claimant, if he sues a governmental entity for damages suffered by him, shall also join such other person, persons or corporation so liable as defendant or defendants of the suit, and no judgment shall be rendered against the governmental entity unless judgment is rendered against such other person or corporation so liable for such claim, except where a summons is returned "not found" as to a defendant or when judgment is rendered in his favor on some personal defense, and if an action be brought against the governmental entity alone and it is made to appear that any person or corporation ought to be joined as a defendant in the suit, the plaintiff's action shall be dismissed without prejudice, unless he amends by making such party or corporation a defendant, but no person shall be sued jointly with the governmental entity who would not be liable separately irrespective of this section. When a judgment shall be obtained against a governmental entity and the other party liable as aforesaid, execution shall issue against the other defendant or defendants in the ordinary form, and shall not be demandable of the governmental entity unless the other defendants are insolvent, and the same cannot be made out of their property, and the governmental entity shall pay only so much of the said judgment as cannot be collected out of the other defendants. If the claimant shall, before bringing suit, demand of the proper official of the governmental entity (the clerk or official secretary or manager of the governmental entity) the name of such other person or persons or corporation which may be liable jointly with the said governmental entity to such injured party, and if the appropriate official fails to furnish, within ten days from the making of such demand, the name of the person or persons or corporation, so jointly liable, the claimant shall not be required to join such other person as a party defendant with the said governmental entity in any suit brought to recover under the terms of this Act.

Section 8. Filing claims against governmental entity—time.—All claims against a political subdivision arising under the provisions of this Act shall be presented to and filed in writing with the clerk or secretary or chief administration officer of the governmental entity within six months from the date the claim arose or reasonably should have been discovered, whichever is later.

Section 9. Contents of claims—filing by agent or attorney—effect of inaccuracies.—All claims presented to and filed with a governmental entity shall accurately describe the conduct or circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from presenting or filing his claim within the time prescribed, or if the claimant is a minor, or if the claimant is a non-resident of the state and is absent during the time within which his claim is required to be filed, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. A claim filed under the provisions of this section shall not be held invalid or insufficient by reason of an inaccuracy in stating the time, place, nature or cause of the claim unless it is shown that the governmental entity was, in fact, misled to its injury thereby.

Section 10. Restriction on allowance of claims.—No action shall be allowed against a governmental entity unless a claim has been presented and filed within the time limits prescribed by this Act.

Section 11. Limitations of actions.—Every tort claim against a governmental entity permitted under the provisions of this Act shall be forever barred unless an action is begun within one year after the claim rose, except in claims involving death, which shall be forever barred unless an action is begun within two years after the claim arose.

Section 12. Jurisdiction—rules of procedure.—The Circuit Court or other court of appropriate jurisdiction shall have jurisdiction of any action brought under this Act and such action shall be governed by the Alabama Rules of Civil Procedure.

Section 13. Venue.—Actions against governmental entities shall be brought in the county where the injury occurred or where the governmental entity is located, except where located in more than one county, the action shall be brought where the injury occurred or in the county where the principal office or place of business is located.

Section 14. Damages.—Governmental entities shall not be liable for punitive damages on any claim allowed under the provisions of this Act except in cases involving wrongful death.

Section 15. Authority of governmental entity to purchase insurance.—All governmental entities of this state shall have the authority and may expend public funds to purchase liability insurance.

Section 16. Policy limits—minimum requirement.—Every policy or contract of insurance purchased by a governmental entity, as permitted under the provisions of this Act, shall provide: (1) in respect to personal injury or death, exclusive of interest and costs, the insurance carrier shall pay on behalf of the insured governmental entity to a limit of not less than \$25,000 per person, limited to a maximum of \$50,000 in any one accident where two or more persons have claims or judgments; (2) in respect to damage or loss to property, the insurance carrier shall pay on behalf of the insured governmental entity to a limit of not less than \$25,000 because of damage or loss to property in any one accident.

Section 17. Policy terms not complying with act—construction—exception.—Any insurance policy, rider or endorsement hereafter issued

and purchased to insure against any risk which may arise as a result of the application of this Act, which contains any condition or provision not in compliance with the requirements of the Act, shall not be rendered invalid thereby, but shall be construed and applied in accordance with such conditions and provisions as would have applied had such policy, rider or endorsement been in full compliance with this Act, provided the policy is otherwise valid. This section shall not be construed to prohibit any such insurance policy, rider or endorsements from containing standard and customary exclusions of coverages which the insurance commissioner deems to be reasonable and prudent upon considering the availability and the cost of such insurance coverages.

Section 18. Judgment or claim—excess of insurance.—If any judgment or claim against a governmental entity under this Act exceeds \$25,000 per person or \$25,000 for damage to property, limited to \$50,000 in any one accident where two or more persons have claims or judgments on account of personal injury or death, the liability of the governmental entity thereunder shall be limited to the amounts set forth in this section unless the governmental entity has secured insurance coverage in excess of the minimum requirements of this Act, in which event the liability of the governmental entity thereunder shall be limited to the amount of the insurance coverage up to but not to exceed the amount of the judgment. Nothing herein shall be construed to excuse the negligent failure of an insurer to settle within the contract limits or impair the existing rights of claimants as against such insurers.

Section 19. Tax levy to pay claim or judgment.—Notwithstanding any provisions of law to the contrary and in the event there are no funds available, the governmental entity shall be authorized to levy and collect a sales, excise or license tax, or shall be authorized to levy a service charge, at the earliest time possible, in an amount necessary to pay a claim or judgment arising under the provisions of this Act, where the governmental entity has failed to purchase insurance to cover a risk created under the provisions of this Act.

Section 20. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 21. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 46; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Cross, Dial, Drake, Edwards, Greer, Gregg, Hall, Harris, Harrison, Hines, Hopping, Jolly, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (W), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Teague, Trammell and Venable.

—46

Nays: Messrs.: Folmar, McNair, Malone and Morris.

—4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government, said committee amendment being as follows:

Amend the Substitute to HB 1271 by striking Sections 16 and 18 and renumbering the remaining sections accordingly.

AMENDMENT TABLED

On motion of Mr. Lutz, the amendment reported by the Standing Committee on Local Government to the bill, H. 1271 as amended, was tabled.

Yeas 46; Nays 17.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cross, Dial, Edwards, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Howard, Johnson, Jolly, Kelley, Kinsey, Lockett, McCluskey, McMillan, Martin, Mitchem, Moore (O), Moore (W, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (J), Sonnier, Starkey, Teague, Venable, Waggoner, Whatley and White.

—46

Nays:

Messrs.: Albright, Armstrong, Cooper, Drake, Folmar, Greer, Harrison, Hill, Hopping, Killian, Leonard, McNair, McNees, Malone, Morris, Riddick and Smith (B).

—17

Mr. Pegues offered the following amendment to the bill, H. 1271 as amended:

Amend the Committee substitute for H. B. 1271 by adding a new Section 16 to read as follows:

"Section 16. Policy limits—minimum requirements. Any governmental entity may purchase insurance to cover its liability under this chapter. Every policy or contract of insurance purchased by a governmental entity as authorized by this chapter shall provide: (1) minimum limits of not less than \$25,000 for bodily injury or death of any one person in any one accident, and not less than \$50,000 for bodily injury or death of any two or more persons in any one accident; provided, however, in cases arising out of the ownership, maintenance and use of automobiles, the minimum limit shall be not less than \$50,000 for bodily injury or death of any one person in any one accident and not less than \$100,000 for bodily injury or death of any two or more persons in any one accident; (2) in respect to damage or loss to property, said policy shall provide minimum limits of not less than \$25,000 because of damage or loss to property in any one accident; provided, however, that in respect to damage or loss to property arising out of the ownership, maintenance or use of automobiles, the said minimum policy limits shall be not less than \$50,000 for damage or loss to property in any one accident."

And the amendment was adopted.

Yeas 64; Nays 3.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Bindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Glass, Gregg, Hall, Harris, Harrison,

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Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Venable, Whatley and White.

—64

Nays: Messrs.: Greer, McNees and Riddick.

—3

MOTION TO POSTPONE

Mr. Robertson offered the motion that the bill, H. 1271 as amended, be postponed to the thirty-second legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. McCluskey to table the motion offered by Mr. Robertson was lost.

Yeas 30; Nays 35.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Cross, Dial, Edwards, Hall, Harris, Higginbotham, Hines, Jolly, Kinsey, Leonard, McMillan, Manley, Martin, Naramore, Pegues, Plaster, Rich, Roberts, Venable, Whatley and White.

Nays:

Messrs.: Albright, Armstrong, Clark, Cooper, Crowe, Drake, Folmar, Glass, Greer, Gregg, Harrison, Hill, Hopping, Howard, Johnson, Kelley, Killian, LeFlore, Lewis, Lutz, McNair, McNees, Malone, Mitchem, Moore (O), Morris, Owens, Quarles, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Starkey and Trammell.

—35

MOTION TO POSTPONE LOST

The question was then on the motion previously offered by Mr. Robertson that the bill, H. 1271 as amended, be postponed to the thirty-second legislative day, and the motion was lost.

Yeas 28; Nays 41.

Yeas:

Messrs.: Armstrong, Clark, Cooper, Crowe, Drake, Folmar, Glass, Greer, Harrison, Hill, Hopping, Howard, Johnson, Killian, LeFlore, Lewis, Lockett, Lutz, McNair, Malone, Moore (O), Morris, Quarles, Robertson, Smith (B), Smith (C), Smith (J) and Trammell.

—28

Nays:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Dial, Edwards, Gafford, Hall, Harris, Higginbotham, Hines, Kelley, Kinsey, Leonard, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Starkey, Venable, Waggoner, Whatley and White.

—41

H. 1271 TEMPORARILY CARRIED OVER

On motion of Mr. Lutz, the bill, H. 1271 as amended, was temporarily carried over.

And the bill:

H. 1365. Relating to ambulances; to provide that it shall be a misdemeanor for any person to summon an ambulance when it is not needed or to obtain or receive ambulance services without intending to pay for such services; to prescribe rules and procedures relative to the prosecution of such violations; to prescribe penalties for conviction of such violations; to authorize any county or municipality to use public funds to contract for ambulance service under certain conditions and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Bindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Smith (B), Smith (C), Sonnier, Starkey, Teague, Venable, Waggoner and Whatley.

—58

Nay: Mr. Roberts.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 300. To provide a definite statute of limitations in liability actions; to eliminate the ad damnum clause in complaints alleging liability; to define the duty of care; to require warranties of cure to be in writing; to prevent advance payments from being considered admissions of liability. In lieu of the scintilla rule, to require evidence of substantial weight and provative effect in medical liability actions; to provide for periodic payments of awards in medical liability actions; to authorize the Insurance Commissioner to establish a joint underwriting association and to provide rules for such joint underwriting association; to provide for voluntary arbitration of disputes; and to require insurance carriers to report claims and costs incurred to the Insurance Commissioner.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. White, the House concurred in and adopted the Senate amendment to the bill, H. 300, said Senate Amendment being as follows.

Amend House Bill No. 300 page 17 Line 1, by striking out all of Section 14, as amended and by substituting therefor the following.

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Section 14. All rules of evidence and procedures heretofore in effect in civil actions in the State of Alabama are hereby preserved unless specifically changed herein in all civil actions covered by this Act.

Amend House Bill 300, page 2, line 34, by striking out "any licensed nursing home" after the word "hospital".

Amend House Bill No. 300 page 14 Line 7, by striking out "may arise" and inserting in lieu thereof the words "has arisen."

Amendment to H. B. 300.

Amend H. B. 300 as follows:

On page 16, Section 12, on line 16, after the word "may" insert the word

not

Amend § 4 of HB 300 on page 4, lines 6 and 7, by deleting the words "of law relating to the computation of statutory periods of limitations."

Amend H. B. 300 as follows:

On page 16, Section 11, delete in its entirety subsection (4) on lines 5 through 8.

Amend H. B. 300 as follows:

On page 16, Section 11, delete subsection (3) in its entirety and insert in lieu thereof the following:

(3) If the plaintiff should die before payment of all said award period from the date of the award, the same income shall be paid to the beneficiary of the plaintiff for the remainder payments due.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Whatley and White.

And the bill, H. 300 as thus amended, was again read at length and passed.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens,

Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

—65

Nay: Mr. Hall.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Sasser voting "Yea" on the bill, H. 600 as amended.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. McDonald (A), King and Baker:

S. J. R. 125. NAMING THE OVERPASS BRIDGE AT BOB WALLACE AVENUE IN HUNTSVILLE, ALABAMA THE "DISABLED AMERICAN VETERANS BRIDGE."

WHEREAS, this Legislature desires to honor the disabled American veterans of foreign wars; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the overpass bridge in Huntsville, Alabama located at the intersection of Memorial Parkway and Bob Wallace Avenue be named the "Disabled American Veterans Bridge."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 125, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

H. 524. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that only those qualified voters residing in the area served by the school board members shall be eligible to vote in the election of the members of that school board.

Was taken up.

Mr. Greer offered the following amendment to the bill:

Amend House Bill 524, page 1, line 27, by adding the following words after the word "board", except in Marengo, Walker, Russell, Lowndes, Clarke, Marion, Hale, Greene, Escambia, Sumter, Elmore, Perry, Choctaw, Winston, Covington, Dallas, Tallapoosa, Wilcox, Autauga, DeKalb, and Pickens counties, such board members shall be elected by all electors of the county.

Also, in the title on Page 1, line 17, by inserting the following words after the word "that":

except in certain counties.

Also, in the Synopsis on page 1, line 11, by inserting the following words after the word "board,"

except in certain counties.

And the amendment was adopted.

Yeas 38; Nays 5.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Brindley, Campbell, Carothers, Falkenburg, Folmar, Gafford, Hall, Harrison, Higginbotham, Hines, Hopping, Johnson, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Roberts, Robertson, Smith (B), Sonnier, Teague, Trammell, Turnham, Waggoner, Whatley and White.

—38

Nays: Messrs.: Hill, Howard, LeFlore, Leonard and McNair.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 524. To amend Title 52, Section 63, Code of Alabama 1940, so as to provide that except in certain counties only those qualified voters residing in the area served by the school board members shall be eligible to vote in the election of the members of that school board.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 7.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Falkenburg, Folmar, Gafford, Gregg, Hall, Harris, Higginbotham, Hines, Hopping, Howard, Johnson, Jolly, Lockett, Lutz, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—57

Nays:

Messrs.: Harrison, Hill, Killian, LeFlore, Leonard, McNair and Malone.

—7

SPECIAL ORDER RESUMED

And the bill:

H. 912. (With Substitute): To amend Section 2, as amended, Section 3, as amended, Section 4, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331,

332, 333, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2, as amended, Section 3, as amended, Section 4, Section 7, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 as amended, Section 3 as amended, Section 4, Section 7, Section 8 as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336, 337, and 345), are amended to read as follows:

"Section 2. Any one or more persons duly licensed to practice a profession under the laws of this state may form a professional association, as distinguished from a partnership or corporation, for the purpose of carrying on a profession upon compliance with the terms of this chapter; provided that no professional association organized pursuant to the provisions of this chapter shall render professional service in more than one type of professional service, except that one professional association may render both medical and dental service; provided, duly licensed medical and dental professionals are members or stockholders of the professional association.

"Section 3. Such person or persons may form a professional association by executing and recording articles of association in the office of the judge of probate of the county in which the principal office of such association is located, and must be by such judge recorded in a book kept for that purpose. After recording such articles of association the probate judge shall endorse thereon his certificate of registration, showing the book and page where recorded, and for his services for recording the certificate shall receive fifteen cents for each one hundred words of the articles of association, and two dollars and fifty cents for examining the articles. The person or persons forming the association shall adopt such name for the association as they in their discretion may determine, provided that the name selected shall be followed by the words "Professional Association" or the abbreviation "P.A.". Any dentist or dentists forming the association shall be governed by the rules of the regulating board of their profession in adopting a name for the association. The articles of association may contain any provisions not in violation of law or the public policy of this state as the members of the association may decide. Such articles may be amended or dissolved at any time and from time to time by agreement of two thirds of the members of a non-stock association, or the affirmative vote by the stockholders of at least two thirds of the outstanding shares entitled to vote of a stock association, or by such greater agreement or vote as the articles of association may require, at any regular meeting

or at such special meeting called for that purpose, and upon likewise recording such amendment or instrument of dissolution in the same place or places as the original articles of association.

"Section 4. A professional association may be organized only for the purpose of rendering one specific kind of professional service except that one professional association may render both medical and dental services; provided, duly licensed medical and dental professionals are members or stockholders of the professional association, and shall not engage in any business other than rendering the professional service for which it was organized. However, it may invest its funds in real estate, mortgages, stocks, bonds, or any other type of investment, and may own real or personal property necessary or appropriate for rendering professional service.

"Section 7. A professional association organized pursuant to the provisions of this chapter shall be governed by one or more governors elected by the members or shareholders, and represented by officers elected by the board of governors, so that centralization of management will be assured, and no member or shareholder shall have the power to bind the association within the scope of the associations' [association's] business or profession merely by virtue of his being a member or shareholder of the association. Members of the board of governors need not be members or shareholders of the professional association and officers need not be members of the board of governors except that the president shall be a member of the board of governors, provided that no officer or member of the board of governors who is not duly licensed to practice the profession for which the professional association was organized shall participate in any decisions constituting the practice of said profession. The members may adopt such by-laws as they may deem proper, or the power to promulgate by-laws of the association may be delegated by the articles of association to the board of governors of the professional association, as the members or shareholders may decide. Each member or shareholder shall have such power to cast such vote or votes at the meeting of the members or shareholders as the articles of association shall provide. The officers of the professional association may employ such agents or employees of the association as they may deem advisable subject to the provisions of section 334 of this title. The officers of the association shall include a president, vice president, secretary, treasurer, and such other officers as the board of governors may determine. Any one person may serve in more than one office provided that the president and the secretary of the professional association shall not be the same person.

"Section 8. Unless the articles of association expressly provide otherwise, a professional association shall continue as a separate entity independent of its members or shareholders, for all purposes for such period of time as provided in the articles, or until dissolved by a vote of two thirds of the members of a non-stock association, or the affirmative vote by the stockholders of at least two thirds of the outstanding shares entitled to vote of a stock association, or by such greater agreement or vote as the articles of association may require, and shall continue notwithstanding the death, insanity, incompetency, conviction for felony, resignation, withdrawal, transfer of membership or ownership of shares, retirement, or expulsion of any one or more of the members or shareholders, the admission of or transfer of membership or shares to any new member or members or shareholder or shareholders, or the happening of any other event, which under the law of this state and under like circumstances, would work a dissolution of the partnership, it being the aim and intention of this section that such professional association shall have continuity of life independent of the life or status of its members or shareholders.

"Section 16. Professional associations organized pursuant to this act shall be governed generally by all laws governing or applicable to corporations, where applicable, and not in conflict herewith, and no such association shall be held or deemed to be a partnership nor shall such association be governed by laws relating to partnerships. A professional association organized under this chapter may consolidate or merge only with another professional association organized under this chapter or a professional corporation organized under the provisions of the Professional Corporation Act, and licensed by the same licensing board, except that a consolidated or merged professional association may render both medical and dental services; provided, duly licensed medical and dental professionals are members or stockholders of the professional association."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and white.

—66

Nays: Messrs. Albright, Andrews and Naramore.

—3

And the bill:

H. 912. To amend Section 2, as amended, Section 3, as amended, Section 4, Section 7, Section 8, as amended, and Section 16 of Act No. 865, H. 138, 1961 Regular Session (Acts of 1961, p. 1349, now appearing in Code of Alabama, Recompiled 1958, Title 46, Sections 331, 332, 333, 336, 337, and 345), relating to the formation of unincorporated associations for the purpose of rendering professional service; so as to further regulate such associations.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Owens, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—66

Nays: Messrs. Albright, Cross and Naramore.

—3

And the bill:

H. 913. (With Substitute): To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), so as to allow a consolidated or merged professional corporation to render both medical and dental services within a single professional corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 21 of the Professional Corporation Act (Acts of 1971, p. 4524, now appearing in Code of Alabama, Recompiled 1958, Title 46, Section 366), is amended to read as follows:

"Section 21. A professional corporation organized under this act may consolidate or merge only with another professional corporation organized under this act or a professional association organized under the provisions of Act Number 865 of the 1961 legislature as amended, and licensed by the same licensing board, except that a consolidated or merged professional corporation may render both medical and dental services; provided, duly licensed medical and dental professionals are members or stockholders of the professional association."

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harris, Harrison, Hill, Hopping, Howard, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Pegues, Plaster, Quarles, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Trammell, Turnham, Venable, Waggoner, Whatley and White.

—58

Nay: Mr. Naramore.

—1

Mr. Hill offered the following amendment to the bill, H. 913 as amended:

Amend H. B. 913 on page 1 at lines 38 and 39 by striking the words "members or stockholders of the professional association" and in lieu thereof place the words

"stockholders of the professional corporation."

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—60

And the bill, H. 913 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Hopping, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—64

S. 1097 RE-REFERRED

On motion of Mr. Johnson, the Speaker recommitted the bill, S. 1097, from the Standing Committee on State Administration to the Standing Committee on Ways and Means.

SPECIAL ORDER RESUMED

And the bill:

H. 1197. To amend further Section 388, Title 14, Code of Alabama 1940, relating to the duties of the state toxicologist so as to allow him to microfilm records in lieu of maintaining original reports as currently required.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Hall, Harris,

Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner and Whatley.

—64

And the bill:

H. 1160. To amend the title and further amend Sections 1, 3, 4 and 5 of Act No. 755, 1967 Regular Session (Acts of Alabama 1967, Vol. II, p. 1609), as amended, entitled "To provide Supernumerary Tax Collectors, Tax Assessors, License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in the various counties of the State of Alabama; describing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and providing for the payment of their salaries," so as to provide further for the requirements, qualifications and compensation for such Supernumerary Tax Collectors, Tax Assessors and License Commissioners, or other elected officials charged with the assessment and/or collection of any ad valorem taxes in this state, in the various counties of the State of Alabama having a population of less than 600,000 inhabitants.

Was taken up.

Mr. Callahan offered the following amendment to the bill:

Amend H. B. 1160, in Section 2, page 3, line 18, after the phrase "Department of Veterans Affairs" by inserting the following phrase "or at least 12 years as Chief Clerk of the Tax Collector,"; and

In Section 3, page 5, in lines 3 and 10, by striking the figure "4%" and inserting in lieu thereof the figure "5%," and in lines 4 and 11, by striking the words and figures "Fifteen Thousand Dollars (\$15,000.00)" and inserting in lieu thereof the words and figures "Seventeen Thousand Dollars (\$17,000.00)"; and

In Section 3, page 6, line 7, by striking the figure "4%" and inserting in lieu thereof the figure "5%" and in line 8, by striking the words and figures "Fifteen Thousand Dollars (\$15,000.00)" and inserting in lieu thereof the words and figures "Seventeen Thousand Dollars (\$17,000.00)."

And the amendment was adopted.

Yeas 49; Nays 0.

Yeas:

Messrs.: Albright, Baker, Boles, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harris, Hill, Hines, Hopping, Killian, Kinsey, LeFlore, Leonard, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner and Whatley.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Cross offered the following amendment to the bill, H. 1160 as amended:

Amend House Bill 1160, page 4, line 7 by adding the following after the word "annum" and changing the period to a comma:

, provided, however, that in counties with a population of 27,000 to 27,900 according to the most recent federal decennial census the annual salary shall be \$5,000.00 per annum.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Crowe, Drake, Edwards, Folmar, Gafford, Greer, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Kelley, Kinsey, LeFlore, Leonard, Lutz, McMillan, McNair, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Sonnier, Trammell, Turnham, Venable, Waggoner and Whatley.

—57

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Killian offered the following amendment to the bill, H. 1160 as amended:

Amend House Bill 1160, page 4, line 7 by adding the following after the word "annum" and changing the period to a comma:

, provided, however, that in counties with a population of 41,500 to 45,000 according to the most recent federal decennial census the annual salary shall be \$5,000.00 per annum.

Yeas 48; Nays 1.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Cooper, Cross, Crowe, Drake, Folmar, Greer, Harris, Higginbotham, Hill, Hines, Howard, Jolly, Killian, Kinsey, LeFlore, Lewis, McCluskey, McMillan, McNair, McNees, Malone, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, and Whatley.

—48

Nay: Mr. Sandusky.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1160 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 15.

Yeas:

Messrs.: Baker, Biddle, Brindley, Callahan, Carothers, Cates, Clark, Dial, Drake, Edwards, Folmar, Greer, Higginbotham, Hill, Hines, Kinsey, LeFlore, McCluskey, McMillan, McNees, Malone, Martin, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Smith (J), Sonnier, Starkey, Teague, Turnham, Venable and Waggoner.

—39

Nays:

Messrs.: Albright, Campbell, Carter, Cross, Gregg, Hall, Leonard, Lewis, Lockett, McNair, Mitchem, Riddick, Sasser, Smith (B) and Whatley.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 616. To provide for a retirement system for the sheriffs of the various counties within the state.

Was taken up.

Mr. Smith (J) offered the following substitute to the bill:

A BILL TO BE ENTITLED AN ACT

To provide for appointment and designation of Supernumerary Sheriffs of the several counties within this State; to prescribe qualifications for the participants in such commission as Supernumerary Sheriff; to prescribe regulations and procedures for participation in such commission as Supernumerary Sheriff and to repeal conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. Any Sheriff or any person who has served as Sheriff of any county of this state;

(a) who has had twelve (12) years of service as a law enforcement officer, four (4) of which have been as a Sheriff and who has become physically unable to carry out his duties on a full time basis, proof of such disability being made by certificate of three reputable physicians; or

(b) who has had sixteen (16) years of service as a law enforcement officer, eight (8) of which have been as a Sheriff, and who has reached the age of fifty-five (55) years may elect to become a Supernumerary Sheriff of the county by filing a written declaration to that effect with the Governor at any time not more than 90 days prior to the end of the sixteen year period or reaching age of fifty-five years, both having been fulfilled. If the Governor shall find that any such declarant qualified under either subdivision (a) or (b), hereinabove set forth, a commission as Supernumerary Sheriff shall thereupon be issued to

such declarant by the Governor. The office of Sheriff made vacant by the election of such declarant shall be filled by appointment of the Governor as now provided by law. This section shall apply only to Sheriffs who have been elected to that office.

Section 2. The governing body of each county shall begin deducting upon the effective date of this Act and each month thereafter from the salaries of such Sheriffs an amount equal to four percent (4%) of the monthly salary paid such sheriff up to fifteen thousand dollars (\$15,000.00). Such sum shall be deducted monthly and paid into the general fund of the county. If any Sheriff, subject to the provisions of this Act, shall end his tenure of office prior to having reached age of fifty-five years but having had sixteen years of service as a law enforcement officer, eight of which have been as a Sheriff, his Supernumerary allowance as set out in Section Three (3) of this Act, shall be vested and held in the general fund of the county until he attains age fifty-five at which time he may elect to become a Supernumerary Sheriff as set out in Section One (1) of this Act. If any Sheriff, subject to the provisions of this Act, shall end his tenure of office prior to having had sixteen years of service as a law enforcement officer, eight of which have been as a Sheriff, as provided herein, an amount equal to total deductions of the amount paid by him into the general fund of the county under the provisions of this section, shall be repaid to him. In the event such person shall die in office prior to becoming eligible, such sum shall be paid to his estate. Provided, however, that this Section Two (2) shall not apply in any county in which the Sheriff of said county is eligible to become entitled to any other state or county retirement act, which he may elect to come under.

Section 3. Those persons eligible under either Section One (a) or Section One (b) above, shall receive payments equal to Seven Hundred Fifty Dollars (\$750.00) per month, but in no event shall any person receive payments pursuant to both the Supernumerary and disability Supernumerary provisions simultaneously. Said payments shall be paid from the general fund of the county in which said eligible persons reside upon their election to become a Supernumerary Sheriff or to become a Supernumerary Sheriff due to disability.

Section 4. If any Sheriff is eligible for retirement benefits under any other county, State or municipal retirement act, he shall make a choice as to which act he desires to come under and shall so notify the proper authority within sixty days after he becomes eligible for any payments under this Act. Provided, however, that it shall not affect their rights to any benefits under the provisions of Act No. 999, H. 288, 1969 Regular Session (Acts 1969, p. 1815).

Section 5. If any sheriff was, or is, removed from office by impeachment, and thereupon convicted; removed by conviction of a felony while in office or removed from office on grounds of moral turpitude, then he shall not be eligible to participate and receive benefits under this Act.

Section 6. All laws or parts of laws which conflict with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Drake, the substitute offered by Mr. Smith (J) to the bill, H. 616, was tabled.

Yeas 54; Nays 9.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, Malone, Manley, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Roberts, Sandusky, Sasser, Sonnier, Turnham, Venable, Waggoner, Whatley and White.

—54

Nays:

Messrs.: Folmar, Hopping, Jolly, Lutz, McNair, Smith (B), Smith (J), Starkey and Trammell.

—9

Mr. Riddick offered the following amendment to the bill, H. 616:

Amend H. B. 616 by renumbering Section 6 to become Section 7 and the following Sections accordingly—

that no part of this bill or act shall apply to counties having a population of 175,000 to 300,000.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cross, Dial, Drake, Folmar, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Turnham, Venable, Waggoner, Whatley and White.

—61

MOTION TO POSTPONE TABLED

On motion of Mr. Drake, the motion offered by Mr. Holmes to postpone the bill, H. 616 as amended, to the thirty-third legislative day, was tabled.

Yeas 38; Nays 21.

Yeas:

Mr. Speaker, Andrews, Barron, Biddle, Boles, Brindley, Callahan, Carter, Cates, Drake, Folmar, Gafford, Higginbotham, Hines, Hopping, Johnson, Kinsey, Leonard, McCluskey, McMillan, Malone, Manley, Martin, Moore (O), Morris, Naramore, Owens, Plaster, Rich, Riddick, Roberts, Sandusky, Starkey, Turnham, Venable, Waggoner, Whatley and White.

—38

Nays:

Messrs.: Armstrong, Baker, Campbell, Carothers, Dial, Glass, Harris, Harrison, Holmes, Jolly, Lewis, McNair, McNees, Mitchem, Pegues, Sasser, Smith (B), Smith (C), Smith (J), Teague and Trammell.

—21

Mr. Armstrong offered the following amendment to the bill H. 616 as amended:

Amend H. B. 616 by deleting Section 8 and adding in lieu thereof the following: "The provisions of this Act shall not apply to counties having a population of 600,000 or more" and renumbering Section 8 Section 9.

And the amendment was lost.

Yeas 5; Nays 8.

Yeas Messrs.: Armstrong, Harrison, LeFlore, Leonard and McNair.

Nays:

Messrs.: Andrews, Biddle, Hopping, Jolly, Moore (O), Trammell, Waggoner and White.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Turnham offered the following amendment to the bill, H. 616 as amended:

Amend H. B. 616 by deleting section 8 and adding in lieu thereof the following: The provisions of this act shall not affect Lee County.

And the amendment was adopted.

Yeas 27; Nays 0.

Yeas:

Mr. Speaker, Baker, Callahan, Carothers, Carter, Cross, Drake, Folmar, Glass, Greer, Higginbotham, Hill, Holmes, Killian, Lutz, McCluskey, McNair, McNees, Naramore, Roberts, Robertson, Sandusky, Sasser, Smith (J), Turnham, Waggoner and Whatley.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 616 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 17.

Yeas:

Mr. Speaker, Andrews, Biddle, Boles, Callahan, Carter, Cates, Clark, Crowe, Dial, Drake, Edwards, Folmar, Greer, Hill, Hines, Hopping, Jolly,

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Kelley, Kinsey, LeFlore, McCluskey, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Quarles, Rich, Roberts, Sandusky, Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

—46

Nays:

Messrs.: Albright, Armstrong, Baker, Brindley, Cross, Glass, Gregg, Harrison, Higginbotham, Holmes, Killian, Leonard, McNair, Riddick, Sasser, Smith (B) and Whatley.

—17

H. 1271 AGAIN TAKEN UP

On motion of Mr. McCluskey, the bill, H. 1271 which previously was temporarily carried over, was again taken up.

Yeas 48; Nays 19.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cross, Dial, Edwards, Hall, Harris, Higginbotham, Hill, Hines, Howard, Jolly, Kelley, Kinsey, Leonard, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

—48

Nays:

Messrs.: Albright, Armstrong, Clark, Cooper, Drake, Folmar, Glass, Gregg, Harrison, Johnson, Killian, LeFlore, Lewis, Lutz, McNair, Malone, Sandusky, Smith (B) and Whatley.

—19

Mr. Robertson offered the following amendment No. 1 to the bill, H. 1271 as amended:

Amend H. B. 1271, by inserting new Section 20 on Page 8, line 24, and renumbering present Section 20 and following sections accordingly:

Section 20. If any governmental employee has a judgment rendered against him because of any nonfeasance, misfeasance or malfeasance while acting within the line and scope of his employment by a governmental agency then the governmental agency employing him shall indemnify and hold him harmless as to the payment of any such judgment and said governmental agency is hereby authorized and empowered to pay any such judgment out of any funds available.

AMENDMENT TABLED

On motion of Mr. McCluskey, the amendment No. 1 offered by Mr. Robertson to the bill, H. 1271 as amended, was tabled.

Yeas 37; Nays 20

Yeas:

Mr. Speaker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cross, Dial, Edwards, Gafford, Harris, Harrison, Higginbotham, Hines, Jolly, Kelley, Kinsey, LeFlore, Leonard, McCluskey, McMillan, McNees, Martin, Mitchem, Naramore, Plaster, Quarles, Riddick, Roberts, Sasser, Starkey, Teague, Turnham, Waggoner and White.

—37

Nays:

Messrs.: Albright, Armstrong, Clark, Folmar, Glass, Hill, Hopping, Howard, Johnson, Killian, Lewis, Lutz, McNair, Malone, Morris, Pegues, Rich, Robertson, Smith (B) and Smith (C).

—20

Mr. Robertson offered the following amendment No. 2 to the bill, H. 1271 as amended:

Amend H. B. 1271, by inserting new Section 21 on Page 8, and re-numbering present Section 21 and following sections accordingly:

Section 21. This act gives to all employees of any governmental agency or any political subdivision, board or commission coming under this act, the same governmental sovereign immunity.

AMENDMENT TABLED

On motion of Mr. McCluskey, the amendment No. 2 offered by Mr. Robertson to the bill, H. 1271 as amended, was tabled.

Yeas 33; Nays 28.

Yeas:

Messrs.: Baker, Barron, Campbell, Carothers, Carter, Cates, Cross, Dial, Hall, Harris, Harrison, Higginbotham, Hines, Jolly, Kelley, Kinsey, Leonard, McCluskey, McMillan, McNeese, Martin, Mitchem, Moore(O), Plaster, Quarles, Riddick, Roberts, Sasser, Smith (J), Teague, Turnham, Venable and White.

—33

Nays:

Mr. Speaker, Armstrong, Brindley, Callahan, Clark, Drake, Folmar, Glass, Hill, Hopping, Howard, Johnson, Killian, LeFlore, Lewis, Lockett, Lutz, McNair, Malone, Morris, Naramore, Rich, Robertson, Sandusky, Smith (B), Smith (C), Trammell and Waggoner.

—28

Mr. Robertson offered the following amendment No. 3 to the bill, H. 1271 as amended:

Amend H. B. 1271 as substituted, page 8, line 6, by deleting Section 19 in its entirety.

H. 1271 TEMPORARILY CARRIED OVER

On motion of Mr. Manley, the bill, H. 1271 as amended and with pending amendment, was temporarily carried over.

SPECIAL ORDER RESUMED

And the bill:

H. 672. (With Amendment): To amend Sections 3 and 6 of Act 566, Regular Session of the Legislature, 1969 (Acts of Alabama 1969, Volume II, p. 1046), as amended by Act 1125, Regular Session of the Legislature, 1973 (Acts of Alabama 1973, Volume IV, p. 1893), the title of which original act is "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts, in Equity, in the various counties of the state of Alabama having a population of less than 600,000 population, according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office, and providing for the payment of their salaries,"

and providing for an increase in the annual salary percentage, and by increasing the minimum and maximum salary allowed for such supernumerary officials; and providing for an additional period of election to become eligible to be covered under the provisions of the act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

To amend the title by adding in line 22 after the word "officials;" the words "but the minimum and maximum salary shall apply only to those officials qualifying for supernumerary status after the effective date of this act"

and

In Section 1, line 10, by adding after the word "county" the words "but this minimum and maximum salary shall apply only to those officials qualifying for supernumerary status after the effective date of this act."

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Carothers to indefinitely postpone the bill, H. 672 with pending amendment, was lost.

Yeas 19; Nays 38.

Yeas:

Messrs.: Albright, Baker, Campbell, Carothers, Glass, Gregg, Harrison, Howard, Johnson, Killian, Leonard, Lewis, Lutz, McNair, Pegues, Riddick, Sasser, Smith (B), and Whatley.

—19

Nays:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Callahan, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar, Hill, Hines, Jolly, Kelley, Kinsey, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Plaster, Rich, Roberts, Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable and Waggoner.

—38

MOTION TO ADJOURN LOST

The motion offered by Mr. Howard that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

H. 672 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, and the amendment was adopted.

Yeas 45; Nays 6.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Cross, Drake, Edwards, Folmar, Greer, Hill, Hines, Johnson, Jolly, Kelley, Kinsey, LeFlore, Lewis, McMillan, McNees, Malone, Martin, Moore (O), Morris, Naramore, Owens,

Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sonnier, Starkey, Trammell, Turnham, Venable and Waggoner.

—45

Nays:

Messrs.: Glass, Hopping, Howard, Lutz, Sasser and Whatley.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Smith (B) offered the following amendment to the bill, H. 672 as amended:

Amend H. B. 672 by renumbering Section 3 and inserting the following and renumbering subsequent Sections:

to eliminate counties having a population of 175,000 to 300,000

And the amendment was adopted.

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Barron, Campbell, Carothers, Carter, Cross, Drake, Glass, Greer, Gregg, Johnson, Jolly, Kelley, LeFlore, Lewis, Lutz, McNair, McNeas, Mitchem, Morris, Naramore, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Turnham and Venable.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Johnson offered the following amendment to the bill, H. 672 as amended:

Amend H. B. 672 by renumbering section 3 and inserting the following subsections and numbering them accordingly:

The provisions of the act shall not apply to counties with population between 115,000 and 150,000.

And the amendment was adopted.

Yeas 14; Nays 1.

Yeas:

Mr. Speaker, Barron, Campbell, Folmar, Glass, Johnson, LeFlore, Lewis, Lutz, Mitchem, Naramore, Rich, Smith (J) and Venable.

—14

Nay: Mr. Clark

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 672. To amend Sections 3 and 6 of Act 566, Regular Session of the Legislature, 1969 (Acts of Alabama 1969, Volume II, p. 1046), as amended by Act 1125, Regular Session of the Legislature, 1973 (Acts of Alabama 1973, Volume IV, p. 1893), the title of which original act is "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts, in Equity, in the various counties of the state of Alabama having a population of less than 600,000 population, according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office, and providing for the payment of their salaries," and providing for an increase in the annual salary percentage, and by increasing the minimum and maximum salary allowed for such supernumerary officials; but the minimum and maximum salary shall apply only to those officials qualifying for supernumerary status after the effective date of this act and providing for an additional period of election to become eligible to be covered under the provisions of the act.

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 35; Nays 20.

Yeas:

Mr. Speaker, Armstrong, Clark, Cross, Drake, Edwards, Folmar, Gafford, Greer, Hill, Hines, Jolly, Kinsey, LeFlore, Lewis, McCluskey, McMillan, McNees, Malone, Manley, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Smith (J), Sonnier, Starkey, Turnham, Venable and Waggoner.

—35

Nays:

Messrs.: Albright, Baker, Campbell, Dial, Gregg, Hall, Harrison, Holmes, Hopping, Johnson, Killian, Leonard, Lutz, Mitchem, Quarles, Riddick, Robertson, Sasser, Smith (B), and Whatley.

—20

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until Tuesday, September 23, 1975, was lost.

H. 1160 RECONSIDERED

Having voted on the prevailing side, Mr. Manley offered the motion to reconsider the vote by which the bill, H. 1160 as amended, was passed, and the motion was adopted.

MOTION TO RECONSIDER AMENDMENT ADOPTED

Having voted on the prevailing side, Mr. Manley moved to reconsider the vote by which the amendment offered by Mr. Killian to the bill, H. 1160 as amended, was adopted, and the motion was adopted.

AMENDMENT TABLED

The question was then on the amendment offered by Mr. Killian to the bill, H. 1160 as amended, and on motion of Mr. Killian, the amendment was tabled.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cross, Drake, Edwards, Folmar, Greer, Hall, Higginbotham, Hill, Hop-ping, Johnson, LeFlore, Leonard, Lockett, Lutz, McNees, Manley, Martin, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (J), Sonnier, Starkey, Venable, Waggoner, Whatley and White.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1160 as thus amended, was again read a third time at length and passed.

Yeas 30; Nays 9.

Yeas:

Messrs.: Baker, Callahan, Carter, Cates, Clark, Dial, Drake Edwards, Folmar, Greer, Higginbotham, Hill, LeFlore, Lewis, McNees, Manley, Martin, Morris, Naramore, Owens, Plaster, Quarles, Reed, Sandusky, Smith (C), Smith (J), Sonnier, Starkey, Turnham and Venable.

—30

Nays:

Messrs.: Cross, Glass, Gregg, Hall, Leonard, Lockett, Riddick, Smith (B), and Whatley.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Gafford to suspend the rules in order to bring up out of order the bill, H. 285, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 636. To provide for review of the sentence of an offender when the punishment for that crime of which such offender was convicted is reduced.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Edwards, Folmar,

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Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hopping, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—62

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Reed voting "Yea" on the bills, H. 1197, H. 616 and H. 1160.

And the bill:

H. 987. To provide an educational incentive allowance for state troopers who have completed educational requirements at junior colleges, or universities.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McNees Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—66

And the bill:

H. 352. To regulate the solicitation of advertisement by any person, firm, corporation, State or Federal Peace Officers Association for any Peace Officers Magazine or Journal, to provide penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 54; Nays 7.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Clark, Cross, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Hopping, Kinsey, LeFlore, Lewis, Lockett, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (C), Sonnier, Starkey, Trammell, Turnham, Waggoner, Whatley and White.

—54

Nays:

Messrs.: Albright, Crowe, Killian, Leonard, Lutz, Riddick and Venable.

—7

And the bill:

H. 767. To provide for a users fee to be paid by each registered land surveyor and professional engineer and to deposit said fees in the State Treasury to the credit of the Land Surveys Fund; to provide for the expenditure of said monies; and to make an appropriation.

Was taken up.

Mr. Folmar offered the following amendment to the bill:

Amend Section 1 by deleting in line 23 the words "and a users fee of five dollars shall be paid by registered professional engineers", substituting in lieu thereof the following:

"and engineers registered both as professional engineers and land surveyors,"

Also:

Amend Section 1 by deleting in line 29 the words "shall be remitted monthly", substituting in lieu thereof the following:

"less a twenty five percent administrative fee shall be remitted on the first day of October of each year."

Also:

Amend Synopsis to read as follows:

"This bill establishes a ten dollar users fee to be paid annually by each registered land surveyor and professional engineer who is also registered as a professional land surveyor, the monies derived thereby to be deposited in the Land Surveys Fund Established by Act No. 2249, Acts of Alabama, 1971 Regular Session."

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Biddle, Campbell, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Gafford Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Quarles, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—58

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Campbell and Leonard as co-sponsors to the bill, H. 767.

Unanimous consent was granted for the Journal to show Mr. Greer removed as co-sponsor to the bill, H. 767.

And the bill, H. 767 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards,

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Folmar, Gafford, Glass, Harris, Harrison, Hill, Hines, Hopping, Johnson, Jolly, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, McNeese, Malone, Manley, Martin, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—59

Nay: Mr. Kelley.

—1

And the bill:

H. 768. To provide for a fee to be paid for filing or recording any instrument conveying real estate or any interest therein and for such fee to be forwarded to the State Treasurer; to provide for the disposition of said funds by the State Treasurer; to provide that all funds paid out by the State Treasurer shall be budgeted and allotted; and further providing that any monies in the Land Surveys Fund in excess of \$100,000.00 at the end of any state fiscal year shall be transferred into the General Fund of the State.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 24.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Drake, Edwards, Folmar, Gafford, Glass, Greer, Harrison, Hill, Hines, Hopping, LeFlore, Leonard, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Sonnier, Starkey, Teague, Turnham, Venable, Waggoner and White.

—46

Nays:

Messrs.: Andrews, Barron, Cross, Crowe, Dial, Hall, Harris, Higginbotham, Johnson, Jolly, Kelley, Killian, Kinsey, Lockett, Lutz, McCluskey, McNair, McNeese, Mitchem, Moore (W), Morris, Roberts, Robertson and Whatley.

—24

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Leonard as co-sponsor to the bill, H. 768.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of op-

erator, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill Number 887 and containing a suggested Executive Amendment.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 18 DAY OF SEPTEMBER, 1975

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 887 without my signature and approval for the reason that in my opinion there should be a stronger strip-mining bill with enforcement powers and penalties for violations included therein. I am aware, however, that this session of the Legislature is rapidly coming to a conclusion and that there is little likelihood of a stronger strip-mining bill being enacted at this time. Thus, it is better to have Senate Bill 887 than no strip-mining law at all.

However, I do suggest that Senate Bill 887 returned herewith be amended in order that this bill contain an enforcement provision. It is, therefore, my suggestion that you amend Senate Bill Number 887 by deleting subsection (1) of Section 17 in its entirety, and substituting in lieu thereof the following:

"Should the Commission determine that any final order made by it under the procedure set forth in Section 16, not then the subject of judicial review, is being violated by any operator, then the Commission may cause to have instituted a civil action in any court of competent jurisdiction for injunctive or other appropriate relief to prevent any further or continued violation of such final order. The court may levy a fine of up to Ten Thousand (\$10,000) Dollars for each day said operator continues

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to violate said final order. In the event of a willful failure of the Commission to act on any complaint filed pursuant to Section 16 of this Act, the Attorney General of the State of Alabama may institute such action against the Commission, including mandamus, as may be appropriate to compel the Commission to discharge the duties conferred upon it by this Act, which action shall be instituted in the Circuit Court having jurisdiction of the county in which the offense alleged in such complaint occurred."

The adoption of the above and foregoing Executive Amendment will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 887, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 34, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 34, Nays 0.

And said Bill, S. B. 887, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Biddle, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 887, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—78

And the bill:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of opera-

tor, insurance requirement, sufficiency of surety, cancellation by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, returning the following Bill without his approval:

S. 464. To further amend Section 89, Title 36, Code of Alabama 1940, as amended, which section regulates the size of motor vehicles allowed to travel on the public highways of this state, so as to further regulate the size of certain motor vehicles.

Said Governor's Message being in words and figures as follows:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning Senate Bill Number 464, without the Governor's approval.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 18 DAY OF SEPTEMBER, 1975

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To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 464, without my signature and approval.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has reconsidered said Bill, S. B. 464, and said Bill was again read at length and passed, the Governor's veto to the contrary notwithstanding, by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 22, Nays 10.

And said Bill, S. B. 464, together with the Governor's Message, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the House proceeded to reconsider the bill, S. 464, the title to which is set out in the above and foregoing Message from the Senate.

The question was on the passage of the bill, S. 464, the Governor's veto to the contrary notwithstanding.

And the bill, S. 464, was again read at length and passed, the Governor's veto to the contrary notwithstanding.

Yeas 56; Nays 16.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (J), Sonnier, Starkey, Teague, Waggoner, Whatley and White.

—56

Nays:

Messrs.: Albright, Barron, Hall, Harrison, Hopping, Howard, Leonard, Lockett, Lutz, McNair, McNees, Quarles, Smith (B), Trammell, Turnham and Venable.

—16

Which was a majority of the whole number elected to the House.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Whatley inadvertently voted "Yea" on the passage of the bill, S. 464, over the Governor's veto and would like to be recorded as voting "Nay".

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 201 and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 11TH DAY OF SEPTEMBER, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 201 without my signature and approval and with the following suggested Executive Amendments.

I suggest that you amend Section 1 by striking the last sentence thereof in its entirety.

I further suggest that you amend Section 3 by adding the following at the end of the last sentence:

"All procurements and subsequent contracts for data processing equipment shall be coordinated with, and approved by, the Data Systems Management Division of the Alabama Department of Finance."

It is my further suggestion that you amend Section 6 by deleting said section in its entirety, and substituting in lieu thereof the following:

"Section 6. Every person, except those specifically exempted by statutory enactment, shall procure a driver license before driving a motor vehicle upon the highways of this State. Every driver license issued under this article may be renewed at the end of the license period without examination upon application and payment of the fee. For the purpose of renewal of driver license, the applicant shall apply for a driver license anytime during a period beginning thirty (30) days before the expiration date of the then current license until one (1) year after the expiration date of said license. Failure to make application for renewal within the specified time, shall result in the applicant being required to take, and successfully pass, a written examination and driving test as administered by the Department of Public Safety. Every new resident of the State of Alabama shall procure an Alabama driver license within thirty (30) days after establishing residence in this State."

It is my further suggestion that you amend Section 7 by striking the last sentence thereof in its entirety, and substituting therefor the following:

"All funds remitted to the State treasurer under the provisions of this section shall be deposited to the credit of the general fund and shall be appropriated for Public Safety use."

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The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Waggoner, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 201, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—73

And the bill:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—76

MOTION TO ADJOURN LOST

The motion offered by Mr. Teague that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

SPECIAL ORDER RESUMED

On motion of Mr. Boles, the bill:

H. 395. To regulate the collection, sale, labeling, and use of blood; providing a penalty for the violation of this act.

As amended on the twenty-fourth legislative day, was taken up.

Mr. White offered the following amendment No. 2 to the bill, H. 395 as amended:

Amend H. B. 395, Section 8, Line 32 by adding after the period the following:

There is hereby appropriated from the State General Fund the sum of fifty thousand dollars (\$50,000) for the fiscal year 1975-76, for the purpose of carrying out the provisions of this Act.

And the amendment was adopted.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Cooper, Cross, Drake, Edwards, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Waggoner, Whatley and White.

—60

Nay: Mr. McNair.

—1

And the bill, H. 395 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 2.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Drake, Edwards, Greer, Hall, Harris, Harrison, Hill, Hines, Johnson, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Trammell, Turnham, Venable, Waggoner and Whatley.

—56

Nays: Messrs.: Kinsey and McNair.

—2

And the bill:

H. 752. To amend Code of Alabama 1940, Title 15, Section 100 and 104 which provided for the issuance and execution of search warrants by a local magistrate, based on probable cause, so as to provide for the is-

suance to and the execution of such search warrants by any officer of the Alabama Bureau of Investigation or any officer of the Intelligence Unit of the Department of Public Safety, as well as the sheriff or constable.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 14.

Yeas:

Messrs.: Albright, Armstrong, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Dial, Folmar, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, Martin, Mitchem, Moore (W), Morris, Owens, Quarles,, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Teague, Trammell, Whatley and White.

—46

Nays:

Messrs.: Baker, Cates, Drake, Edwards, Harris, Harrison, Killian, Lockett, McNair, Naramore, Plaster, Starkey, Turnham and Venable.

—14

And the bill:

H. 1647. To amend Section 1 of Act No. 281, H. 279, Regular Session 1969 (Acts 1969, p. 614) relating to the safe transportation of pupils to and from school so as to provide certain qualifications for school transportation managers or supervisors.

Was taken up.

Mr. Moore (W) offered the following amendment to the bill:

Amend H. B. 1647, Section 1, page 2, line 7, by striking the words "and in addition,"

Also, on page 2, line 8, change the period to a comma and add the following words:

in addition, have at least one to three years experience with pupil transportation.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Hall, Harris, Harrison, Hill, Hines, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—63

And the bill H. 1647 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Greer, Hall, Harris, Harrison, Hill, Hines, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—62

And the bill:

H. 1509. (With Amendment): To amend further Section 91 of Title 36, Code of Alabama (1940), which authorizes the Director of the Highway Department to issue special permits for movement of certain oversized and overweight vehicles and loads on the State highway system and to collect fees for the issuance of such permits.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1509 in Section 1 on page 3, in line 33 by striking therefrom the figures, viz; 100,000 and inserting in lieu thereof the following:

150,000

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Cooper, Dial, Drake, Edwards, Folmar, Gafford, Hall, Harris, Hill, Jolly, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—55

And the bill, H. 1509 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Carothers, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Harris, Hill, Hines, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser,

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Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—62

Nays: Messrs.: Harrison and Leonard.

—2

And the bill:

H. 122. Further amending Code of Alabama 1940, Title 22, Section 40, 42 relating to Vital Statistics, providing for equitable fees for service to county registration districts and state registration district in conformity with surrounding states.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Drake, Folmar, Gafford, Greer, Gregg, Hall, Harrison, Hill, Hines, Howard, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Teague, Trammell, Turnham, Venable and White.

—59

Nays: Messrs.: Killian and Whatley.

—2

And the bill:

H. 1433. To regulate and promote the public health and to bring the laws of Alabama into conformity with PL-93-641, the "National Health Planning and Resources Development Act of 1974" (42 USC 300-k, et. seq.); designate the State Board of Health as the state health planning and development agency; authorizes the State Board of Health to develop and adopt a State Health Plan and a State Medical Facilities Plan, and do such functions that may be necessary to that purpose and to facilitate state health planning policy, augment area wide and State planning for health services, manpower, and facilities; authorize the State Board of Health to administer the State's health care facility construction and development program; to promulgate and adopt rules, regulations and standards for the health planning and health care facilities construction and development programs. Part 1 of the Act designates the State Board of Health as the sole and official state planning and development agency; authorizes the State Board of Health to establish such internal bureaus and divisions, with professional staffs, as may be necessary to carry out the Act; and, authorizes and empowers the State Board of Health to adopt rules, regulations and standards governing health planning and health care facility construction, and to provide for fair hearings. Part 2 designates the State Board of Health as the sole and official state agency to prepare and adopt a State Health Plan; establishes and sets forth the membership and powers of a State wide Health Coordinating Council; defines the functions of Health Services Agencies; authorizes the cooperation of the state officials and agencies; and authorizes the State Board of Health to receive and administer funds for health planning. Part 3 names the State Board of Health as the sole and official state agency to receive and administer funds for the health care facilities construction program; authorizes the State Board of Health to prepare and adopt a Medical Facilities Plan; authorizes the construc-

tion and operation of public hospitals and health centers; authorizes the State Board of Health to receive federal, state and other funds for hospital construction and to contract for health care facilities construction; authorizes the acquisition and disposition of property.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cross, Drake, Edwards, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Howard, Jolly, Kinsey, LeFlore, Leonard, Lewis, Lockett, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—59

Nay: Mr. Cooper.

—1

And the bill:

H. 1537. (With Substitute): To provide liability insurance on state motor vehicles and on duly authorized drivers of such vehicles; to authorize and empower the finance department and director thereof to carry out the provisions of this act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To authorize appointing authorities under the state merit system to require an employee of the state in the classified services who is in travel status or otherwise required to operate a motor vehicle to be insured against personal liability resulting from the operation of a state owned or leased vehicle; to provide that such insurance against personal liability shall wherever feasible be by virtue of an additional condition "rider" to the employee's personal liability insurance; or where the employee does not have liability insurance personally that he may procure insurance applicable only when operating a state owned or leased motor vehicle; to fix the amount of such insurance; and to provide for re-imbursement of such employee by the state department, agency, bureau, or division by which he is employed.

Be It Enacted by the Legislature of Alabama:

Section 1. Any other law, regulation, or rule of any state department, agency, bureau, or division, to the contrary notwithstanding, every appointing authority as defined in the Merit System Act of Alabama, may as a part of the rules and policies of the department, agency, bureau, or division of the State of Alabama, over which he exercises supervision require that every employee under his supervision, who is either as a function of his employment in travel status, or is required to operate a motor vehicle in the performance of his duty, shall provide himself with an insurance policy, insuring such employee against personal liability

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growing out of and a proximate consequence of the operation by such employee in the performance of his duties, of a motor vehicle owned by or leased to the State of Alabama.

Section 2. The insurance which may be required by such appointing authority may be acquired by the employee, whenever and wherever feasible, by virtue of an additional condition and rider to a policy of insurance insuring against liability imposed upon the employee personally while operating a motor vehicle not belonging to or leased by the state; or where the employee is not otherwise insured he may procure a policy of insurance protecting him against personal liability while operating a motor vehicle owned by or leased to the state.

Section 3. The policy of insurance, or the aforesaid rider shall be in an amount or amounts sufficient to satisfy the requirements of the Financial Responsibility Act of Alabama, and as it may be amended in the future.

Section 4. Such policy of insurance shall be issued by an insurance company licensed and qualified to do business in this state.

Section 5. The department, agency, bureau, or division of the State by which such employee is employed shall re-imburse such employee for the actual cost of the required insurance whether it be evidenced by a rider to his personal policy, or a separate policy, as provided in Section 2 of this Act. Such re-imbursement shall not be in excess of the actual cost of the additional insurance provided herein not to exceed the provisions of the Financial Responsibility Act. Further provided, that such reimbursement may be made by warrant issued by the Comptroller, and such re-imbursement may be claimed as a travel expense item, when approved by the appointing authority. Such required insurance may be purchased without regard to the Competitive Bid laws of this State.

Section 6. This act is cumulative and in addition to all other laws of the state; and all laws in conflict herewith are repealed.

Section 7. This act is severable, and if any part thereof shall be declared invalid by a Court of competent jurisdiction such declaration shall not effect the part which shall remain.

Section 8. This Act shall be effective on the first day of January, 1976, when passed by the legislature and signed by the Governor, or upon its otherwise becoming law.

This bill will reduce the General Fund very little, the costs being paid from the regular appropriation of the departments effected.

And the substitute was adopted.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNeas, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

And the bill:

H. 1537. To authorize appointing authorities under the state merit system to require an employee of the state in the classified services who is in travel status or otherwise required to operate a motor vehicle to be insured against personal liability resulting from the operation of a state owned or leased vehicle; to provide that such insurance against personal liability shall wherever feasible be by virtue of an additional condition "rider" to the employee's personal liability insurance; or where the employee does not have liability insurance personally that he may procure insurance applicable only when operating a state owned or leased motor vehicle; to fix the amount of such insurance; and to provide for reimbursement of such employee by the state department, agency, bureau, or division by which he is employed.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Cates, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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And the bill:

H. 1273. To make appropriations to the Alabama Forestry Commission for construction of an automotive maintenance and repair shop, mechanics salaries, and equipment and parts for such shop.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Holmes, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—71

And the bill:

H. 961. To authorize the establishment of a purchasing system to serve the State Forestry Commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—69

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McNair to suspend the rules in order to bring up out of order the bill, H. 385, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 1171. To amend further Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act To create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the 'Professional Foresters Fund,' and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082; by Act No. 1051, Acts of Alabama, 1969 Regular Session page 1965; and by Act No. 1202, S. 107, 1973 Regular Session (Acts of 1973, p. 2020); so as to provide for an increase in the registration fee for a license and the annual renewal fee for licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—75

And the bill:

H. 758. To appropriate \$50,000.00 from the general fund in the state treasury to the general fund of Escambia County as reimbursement for costs incurred in the trial of state inmates in that county.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whitley, White and Wyatt.

—76

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 185. Regulating further the licensing of motor vehicles, to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tax for the current year.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama

State Capitol

Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning Senate Bill Number 185 and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

DONE THIS 18 DAY OF SEPTEMBER, 1975.

To the Senate of Alabama

State Capitol

Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 185 without my signature and approval and with the following suggested Executive Amendments.

I suggest that you amend the title by deleting the same in its entirety, and substituting in lieu thereof the following:

"Regulating further the licensing of passenger vehicles and pickup trucks to provide for the issuance of semi-permanent license plates with

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a tab or other device indicating the payment of the license tag for the current year."

It is my further suggestion that you further amend this bill by deleting Section 1 in its entirety, and substituting therefore the following:

"Section 1. License tags or plates issued for passenger vehicles and pickup trucks, which is here defined as any truck with two axles and a gross vehicle weight not exceeding 12,000 lbs. upon payment of the license fee prescribed by law for motor vehicles for the fiscal year beginning October 1, 1976, shall be designed and constructed in such a way that the digits indicating the year of issuance may be removed, covered up, or obliterated by affixing thereto a tab, disc, or other device bearing digits indicating another fiscal year. Tags or plates shall not be issued annually to evidence the payment of passenger vehicle and pickup truck license taxes for years subsequent to the fiscal year beginning October 1, 1976. In lieu thereof, tabs, discs, or other devices suitable for attaching to a motor vehicle tag or plate shall be issued upon the payment of the annual license tax prescribed for such vehicle by law, and, when duly affixed to the license plate, such tab, disc, or other device shall be evidence of the payment of the license fee due for the fiscal year indicated thereon. The license plate itself shall be valid for five years and shall be replaced or renewed at the end of that period. The commissioner of revenue shall prescribe the type or kind, the size and style of license plates, tabs, discs, or other devices hereby required. However, the tags, discs, or devices produced for the year 1977 shall be designed and constructed to conform with the recommendation of the American Association of Motor Vehicle Administration. The face of the license plate to be displayed shall be fully treated with a retro-reflective material which will increase the nighttime visibility and legibility of the plate. The first issue of this 5 year tag shall be of a type graphically depicting our nation's 200th anniversary.

The adoption of the above and foregoing Executive Amendments will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 185, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 33, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the Senate, said vote being: Yeas 33, Nays 0.

And said Bill, S. B. 185, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Hines, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 185, said Governor's amendment being set out in the above and foregoing Message from the Senate.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—71

And the bill:

S. 185. Regulating further the licensing of passenger vehicles and pickup trucks to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tag for the current year.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Howard, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—72

MOTION TO ADJOURN LOST

The motion offered by Mr. Teague that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 200. To make an appropriation to the Governor's Mansion Advisory Board for the refurbishing and refurnishing of the Governor's Mansion, to provide that said appropriation may be spent either within or outside the provisions of the state purchasing act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 1.

Yeas:

Messrs.: Baker, Barron, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Holmes, Howard, Johnson, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris,

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Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Turnham, Venable, Waggoner, Whatley and White.

—62

Nay: Mr. Leonard.

—1

MOTION TO DIRECT COMMITTEE TO REPORT

Mr. Reed offered the motion that the Standing Committee on Public Welfare be directed to report out the bills, H. 307, H. 299, H. 1238 and H. 684.

MOTION TO TABLE LOST

The motion offered by Mr. Campbell to table the motion offered by Mr. Reed was lost.

Yeas 8; Nays 20.

Yeas:

Messrs.: Albright, Campbell, Gregg, Lockett, Lutz, Manley, Smith (J), and Turnham.

—8

Nays:

Messrs.: Boles, Callahan, Cooper, Crowe, Folmar, Greer, Harris, Hill, Hines, Holmes, Howard, Johnson, Jolly, Killian, LeFlore, Morris, Plaster, Riddick, Sandusky and Starkey.

—20

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PREVIOUS QUESTION

On motion of Mr. Reed, the question was shall the main question now be put, and the motion was adopted.

Yeas 26; Nays 8.

Yeas:

Messrs.: Albright, Boles, Callahan, Clark, Cooper, Crowe, Gafford, Harris, Harrison, Hines, Holmes, Howard, Johnson, Jolly, Killian, LeFlore, Lewis, McNees, Malone, Quarles, Sandusky, Smith (B), Sonnier, Starkey, White and Wyatt.

—26

Nays:

Messrs.: Folmar, Gregg, Leonard, Lockett, Lutz, Moore (W), Pegues and Turnham.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO ADJOURN LOST

The motion offered by Mr. Campbell that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Howard that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

SPECIAL ORDER RESUMED

The bill, H. 253, was called, and on motion of Mr. Owens, the bill, S. 299, was substituted for the bill, H. 253.

And the bill:

S. 299. (With Amendment): To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety, said committee amendment being as follows:

Amend S. B. 299, Line 23, Page 1, by inserting the following after the word state, except for those tires on the dead axle of a vehicle with a dead axle

And the amendment was adopted.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cooper, Edwards, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Jolly, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, McNeese, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Owens offered the following amendment to the bill, S. 299 as amended:

Amend SB 299 at the end of Section 2, subsection (1) on page 2, line 9: change the period to a comma and add the following words immediately following the comma, "provided that the prohibitions of this act shall not apply to the tires upon the dead axle of a vehicle equipped with such a dead axle."

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Hill, Hines, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Pegues, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—53

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. Owens, the motion offered by Mr. Smith (J) to temporarily carry over the bill, S. 299 as amended, was tabled.

Yeas 33; Nays 24.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Clark, Cross, Crowe, Edwards, Gafford, Greer, Gregg, Hall, Howard, Kelley, Killian, Lewis, McCluskey, McNees, Malone, Manley, Morris, Naramore, Owens, Pegues, Rich, Sandusky, Sasser, Smith (C), Sonnier, Starkey, Whatley and White.

—33

Nays:

Messrs.: Barron, Carter, Cates, Cooper, Dial, Folmar, Harris, Harrison, Hill, Hines, Johnson, Jolly, LeFlore, Leonard, Lockett, Lutz, McMillan, McNair, Mitchem, Roberts, Smith (J), Teague, Turnham and Venable.

—24

S. 299 POSTPONED

On motion of Mr. Owens, unanimous consent was granted for the bill, S. 299 as amended, to be postponed to the thirty-second legislative day without losing its place on the Calendar.

MOTION TO ADJOURN LOST

The motion offered by Mr. Howard that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Manley, the rules were suspended in order to bring up out of order the bill, H. 1209.

And the bill:

H. 1209. To propose an amendment to the Constitution of Alabama requiring that all revenues received by the State after September 30, 1976 (with certain specified exceptions) be immediately paid into the State Treasury for credit to the general fund of the State, prohibiting the Legislature from passing, after September 30, 1976, any law allocating or earmarking any State revenues for any special purpose or to or for the benefit of any particular agencies (with certain specified exceptions) and specifying that State authorities and public corporations may continue to issue, in pursuance of law, bonds and other securities that are not general obligations of the State and that are payable solely out of certain specified State revenues, and that such bonds and other securities shall not constitute debts of the State within the meaning of the Constitution.

Was taken up.

MOTION TO ADJOURN LOST

The motion offered by Mr. Hall, that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

H. 1209 RESUMED

On motion of Mr. Manley, the bill, H. 1209, was temporarily carried over.

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

Yeas 35; Nays 35.

Yeas:

Messrs.: Baker, Barron, Boles, Callahan, Cates, Cooper, Dial, Edwards, Folmar, Hall, Harris, Harrison, Higginbotham, Holmes, Johnson, Killian, Leonard, Lewis, Lockett, Lutz, Malone, Manley, Merrill, Moore (W), Morris, Pegues, Reed, Riddick, Robertson, Sasser, Smith (B), Teague, Trammell, White and Wyatt.

—35

Nays:

Mr. Speaker, Albright, Armstrong, Biddle, Carothers, Carter, Clark, Cross, Crowe, Greer, Gregg, Hill, Hines, Jolly, Kelley, Kennedy, LeFlore, McCluskey, McMillan, McNees, Martin, Mitchem, Moore (O), Naramore, Plaster, Rich, Roberts, Sandusky, Smith (J), Sonnier, Starkey, Turnham, Venable, Waggoner and Whatley.

—35

SPECIAL ORDER RESUMED

And the bill:

H. 1043. To regulate and promote the public health and to improve the effectiveness of health facility planning and the provision of necessary and adequate health care facilities and services in the State of Alabama; to authorize the issuances of Assurances of Need to certify that a proposed facility, service and expenditure is in conformity with the appropriate State health facility plan; and to establish a time period of validity for Assurances of Need.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Hall, Harris, Hill, Hines, Holmes, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—56

And the bill:

H. 484. (With Substitute): To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing li-

censes, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this state; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Conservation, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this state, increasing its cost from \$5.00 to \$10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to \$3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

Be It Enacted by the Legislature of Alabama:

Section 1. Title 8, Section 39, Code of Alabama 1940, as amended, shall be and hereby is amended to read as follows:

"Section 39. In order to fish in any of the fresh waters, whether public or private, in this state, non-residents of this state may procure a non-resident annual fishing license, by filing with any person authorized to issue same, an affidavit stating applicant's age, place of residence, race, and post office address, and after paying to the person issuing said license a fee of Ten Dollars and an issuance fee of Fifty Cents."

Section 2. Title 8, Section 40, Code of Alabama 1940, as amended, shall be and hereby is amended to read as follows:

"Section 40. In order to fish in any of the fresh waters, whether public or private, in this state, any non-resident of this state may procure a non-resident trip fishing license in the same manner provided for other licenses provided in this chapter by paying therefor the sum of Three Dollars (\$3.00) and an issuance fee of Fifty Cents (50¢), which license will authorize the holder thereof to fish in said waters of this state, for a period of five (5) days from the date said license was issued."

Section 3. Title 8, Section 41, Code of Alabama 1940, as amended, shall be and hereby is amended to read as follows:

"Section 41. Any person who fishes in any of the fresh waters of this state without first procuring the appropriate license as provided by law shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than Ten Dollars nor more than Twenty-five Dollars for each offense."

Section 4. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 65; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—65

Nays: Messrs.: Crowe, Naramore and Robertson.

—3

And the bill:

H. 484. To amend Title 8, Section 39, Code of Alabama 1940, as amended, pertaining to annual non-resident fishing licenses, so as to require said license if a non-resident desires to fish in any fresh water, whether public or private, in this state, increasing its cost from \$5.00 to \$10.50; to amend Title 8, Section 40, Code of Alabama 1940, as amended, pertaining to non-resident trip fishing licenses, so as to require a non-resident to have said license in order to fish in any fresh water, whether public or private, in this State, increasing its cost from \$2.00 to \$3.50; and to amend Title 8, Section 41, Code of Alabama 1940, as amended, pertaining to the penalty for fishing without a license, so as to make it unlawful to fish in any water in this state without the appropriate license.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 4.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—65

Nays:

Messrs.: Crowe, McNair, Naramore and Robertson.

—4

MOTION TO ADJOURN LOST

The motion offered by Mr. Holmes that the House adjourn until 10:00 o'clock a.m., Tuesday, September 23, 1975, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 706. To amend Act No. 751, Acts of Alabama, 1965 Regular Session relating to the cost of purchasing non-resident hunting licenses.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 57; Nays 11.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Callahan, Campbell, Carothers, Clark, Cooper, Cross, Dial, Edwards, Folmar, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Turnham, Venable and Waggoner.

—57

Nays:

Messrs.: Baker, Barron, Carter, Crowe, Hall, McNair, Moore (O), Naramore, Robertson, Trammell and Whatley.

—11

And the bill:

H. 1406. (With Amendment): To amend further Section 38 of Title 8 Code of Alabama of 1940, relating to the manner and method of obtaining state and county fishing licenses so as to increase the fees for such licenses and to designate the use of any revenue derived therefrom.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Conservation, said committee amendment being as follows:

Amend H. B. 1406 in the title on page 1, line 27, by adding a period after the word "licenses" and deleting the words and to designate the use of any revenue derived therefrom.

Further amend H. B. 1406 on page 4, line 11, by adding the word and after the word "fund" and deleting the following words beginning on line 11: One dollar (\$1.00) of the amount collected for each state fishing license and one half of the amount collected for county fishing licenses shall be used to employ additional game wardens and to provide for their salaries, expenses, and vehicles used in the performance of their duties; the remainder.

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Jolly, Kelley, Killian, Leonard, Lewis, McCluskey, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues,

Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and Whatley.

—58

And the bill:

H. 1406. To amend further Section 38 of Title 8 Code of Alabama of 1940, relating to the manner and method of obtaining state and county fishing licenses so as to increase the fees for such licenses.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 18.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Folmar, Greer, Gregg, Hall, Harrison, Hill, Hines, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, McCluskey, McNees, Manley, Martin, Mitchem, Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Turnham, Venable and Waggoner.

—47

Nays:

Messrs.: Barron, Boles, Cates, Crowe, Edwards, Harris, Higginbotham, Johnson, Kinsey, Leonard, McNair, Moore (O), Morris, Naramore, Robertson, Smith (J), Trammell and Whatley.

—18

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Killian to suspend the rules in order to bring up out of order the bill, H. 885, was lost.

SPECIAL ORDER RESUMED

And the bill:

H. 1477. To amend the title and Section 1 of Acts of Alabama Regular Session 1971 (Acts 1971, vol. IV, p. 2629), relating to state and county hunting licenses so as to increase the fees for such licenses.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 18.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Dial, Folmar, Gafford, Greer, Gregg, Hill, Hines, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNair, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

—52

Nays:

Messrs.: Barron, Boles, Cates, Crowe, Edwards, Hall, Harris, Higginbotham, Holmes, Johnson, Jolly, Leonard, Lockett, Malone, Moore (O), Naramore, Robertson and Whatley.

—18

And the bill:

H. 289. To appropriate such funds necessary to The Alabama Post-secondary 1202 Commission in order to develop a comprehensive student assistance program and to qualify the State of Alabama for federal assistance under Title IV.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddel, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner and White.

—65

Nays: Messrs. Killian and Whatley.

—2

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show all members voting "Yea" on the bill, H. 289, as co-sponsors.

And the bill:

H. 886. (With Amendments): Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Delete Section 14 of House Bill 886 in its entirety and add in lieu thereof the following:

Section 14. Persons Entitled to Treatment by the United States Veterans Administration.

Any person committed by the probate court to the custody of the Alabama State Department of Mental Health who is entitled to care and treatment at a facility operated by the United States Veterans Administration or other agency of the United States Government may be transferred by the Department of Mental Health to the United States Veterans Administration or other agency of the United States on such terms and

conditions as may be agreed upon by the Department and the Veterans Administration or other agency. Upon such transfer the committed person shall be subject to the applicable regulations of the Veterans Administration or other agency of the United States.

The chief officer of the Veterans Administration Hospital or other facility operated by the United States to which committed persons are transferred, as provided in this section or under the law in effect at the time of commitment, shall have the same powers as are exercised by superintendents of state facilities or the Department of Mental Health with respect to the retention, transfer, parole or discharge of committed persons, and such chief officer and the physicians of such facility shall be exempt from attending court as witnesses in the same manner and to the same extent provided by law for superintendents and physicians of state facilities.

The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia committing a person to the United States Veterans Administration or other agency of the United States Government, or any facility operated by such Administration or agency, for care or treatment shall have the same force and effect as to such person while in this state as in the state or District in which is situated the court entering such judgment or making such order.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crowe, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Manley, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—64

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 886, Section 6, page 4, lines 22 and 23 by striking on line 22 the words petition for hearing to determine if; and by striking on line 23 the words shall be held where said words appear thereon.

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crowe, Dial, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—65

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The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 886, Section 8, pages 5 and 6 of said bill by deleting in its entirety sub-paragraph 3 of said section and inserting in lieu thereof the following sub-paragraph 3:

3. The probate judge shall cause the hearing to be transcribed stenographically, mechanically or electronically and shall retain such transcription throughout any period of commitment but not less than a period of three years from the date the petition is denied or granted.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

—66

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 886, Section 1, page 2, line 9 of said bill by striking the word petition and inserting in lieu thereof the word petitioner.

And the amendment was adopted.

Yeas 71; Nays. 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Whatley and White.

—71

And the bill, H. 886 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hig-

ginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Whatley and White.

—70

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Leonard as co-sponsor to the bill, H. 886.

And the bill:

H. 887. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients; prescribing the duties and responsibilities of persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the quality of care and treatment of patients; and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—72

And the bill:

H. 888. Relating to Mental Health entering the Interstate Compact on Mental Health, providing for proper and expeditious treatment of the mentally ill and mentally deficient by cooperative action with other party states, without regard to the residence or citizenship of the patient.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—71

And the bill:

H. 973. (With Amendment): To provide for the commitment, recommitment or continued custody of any person accused of a crime but not yet tried or convicted and presently committed to the custody of the Department of Mental Health at Bryce or Searcy Hospitals or other facilities designated by the Commissioner of said Department; to require the judges of the courts of the state to remand back to their respective counties all persons in said hospitals or facilities against whom criminal charges have been nolle prossed or otherwise dismissed; to provide for the commitment, recommitment, or continued custody of a person who has been adjudicated "not guilty by reason of insanity" of any crime and who is presently committed to the custody of the Department of Mental Health at Bryce or Searcy hospitals or other facilities designated by the Commissioner of said Department; to provide for the commitment, recommitment to the custody of the Department of Mental Health from the persons of the state pursuant to the provisions of Title 45, Section 222, 223, and 224 Code of Alabama 1940, as Recompiled 1958, or the transfer back to the prisons under appropriate circumstances; upon application of the Commissioner of the Department of Mental Health or his designee to authorize the governor to appoint one or more special judges of probate for the purpose of considering hearing and making appropriate orders with regard to the commitment, or recommitment or continued custody of such persons; to provide the judicial authority of such special judges of probate; to provide the jurisdiction of such probate courts over such person; to provide the qualifications of such special judges of probate, and to provide an appropriation to carry out the purposes of this Act.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 973 on page 8, in Section 11, by striking therefrom the following words on lines 26 and 27 the following words, viz; immediately upon its passage and approval by the governor or upon its otherwise becoming a law. and inserting in lieu thereof the following words and figures:

October 1, 1975.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Whatley and White.

—70

And the bill, H. 973 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—69

And the bill:

H. 974. To Provide a procedure of the determination of a criminal defendant's capacity to proceed or continue to trial; to authorize the courts of this state to hold initial hearings on the question of capacity or incapacity, and to authorize courts to commit a defendant to the custody of the Department of Mental Health for further observation and evaluation; and to provide for voluntary or involuntary civil commitment proceedings for persons adjudicated "not guilty by reason of insanity" and to provide the payment of costs of removing defendants to and from the custody of the Department of Mental Health; to amend Title 45, Section 222, Code of Alabama 1940, as Recompiled; and to repeal Title 15, Sections 425, 426, 427, 428, 429, 430 and 431, Title 45, Sections 222 and 223, Code of Alabama 1940, as Recompiled 1958.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable and Whatley.

—69

And the bill:

H. 1259. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

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Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Johnson, Kelley, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Turnham, Venable and Waggoner.

—67

And the bill:

H. 555. To amend Code of Alabama 1940, Title 45, Section 144, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner and Whatley.

—69

And the bill:

H. 1267. To amend Section 5, as amended, and Section 6 of Act No. 107, S. 2, 1965 first special session (Acts of 1965, special session, volume one, p. 132, now appearing in Code of Alabama, Recompiled 1958, Title 50, Sections 82 and 83), relating to the incorporation in any county in the State of Alabama of a Water Authority, as a public corporation for the purpose of furnishing water service and fire protection service; so as to regulate further the membership of the board of directors.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Edwards, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hines, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—64

Nay: Mr. Holmes.

—1

And the bill:

H. 1208. (With Amendment): Relating to individual income taxation; providing further for deductions from gross income for state income tax purposes.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 1208, Section 1, Page 2, Line 9 by adding the following at the end of the sentence for the purposes of this Act property called new residence means and includes only property located within the State of Alabama.

And the amendment was adopted.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—64

And the bill, H. 1208 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Johnson, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Trammell, Turnham, Venable, Waggoner, Whatley and White.

—64

Nays: Messrs.: Holmes and McNair.

—2

The bill, H. 513, was called, and on motion of Mr. Lutz, the bill, S. 415, was substituted for the bill, H. 513.

And the bill:

S. 415. To amend sections 282, 283, 284, 285, 287, 289, 292, 295 as amended, 297 and 300 of Title 28, Code of Alabama 1940, and Section 2 of Act No. 603, Regular Session 1962 (Acts of 1962, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recomplied

1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Was taken up.

Mr. Lutz offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To amend section 282, 283, 284, 287, 292, 297 and 300 of Title 28, Code of Alabama 1940, §295 of Title 28, Code of Alabama 1940, as amended by Act No. 2300, Regular session 1971, (Acts of 1971, p. 3711 et seq.), and Section 2 of Act No. 603, Regular Session 1957 (Acts of 1957, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 282, Title 28, Code of Alabama, 1940, is hereby amended to read as follows:

"§282. Organization and definition.—Any seven residents of the State of Alabama may apply to the superintendent of banks for permission to organize a credit union. A credit union is cooperative society, incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest for provident purposes, particularly among groups of industrial workers and farmers, fraternal and religious organizations, and in those communities where the citizens of the state are distantly removed from convenient centers of business or easy access to financial agencies now provided for by laws of Alabama. A credit union is organized in the following manner: The applicants execute in duplicate a certificate of organization by the terms of which they agree to be bound. The certificate shall state: The name and location of the proposed credit union. The names and addresses of the subscribers to the certificate and the number of shares subscribed by each. The par value of the shares of the credit union which shall not exceed ten dollars each. They next prepare and adopt by-laws for the general governance of the credit union consistent with the provisions of this article, and execute the same in duplicate. The certificate and by-laws, both executed in duplicate, are forwarded to the said superintendent of banks. The said superintendent of banks shall within thirty days of the receipt of said certificate and by-laws, determine whether they conform with the provisions of this article, and whether or not the organization of the credit union in question would benefit the members of it and be consistent with the purpose of this article. Thereupon the said superintendent of banks shall notify the applicants of his decision. If it is favorable he shall issue a certificate of approval, attached to the duplicate certificate of organization and return the same together with the duplicate by-laws to the applicants. The applicants shall thereupon file the said duplicate of the certificate of organization, with the certificate of approval attached thereto, with the judge of probate of the county within which the credit union is to do business, who shall make a record of said certificate and return

it, with his certificate of record attached thereto, to the said superintendent of banks for permanent record. Thereupon, the applicants shall become and be a credit union, incorporated in accordance with the provisions of this article. In order to simplify the organization of credit unions the said superintendent of banks shall cause to be prepared an approved form of certificate of organization and a form of by-laws, consistent with this article, which may be used by credit union incorporators for their guidance, and on written application of any seven residents of the state, shall supply them without charge with a blank certificate of organization and a copy of said form of suggested by-laws."

Section 2. Section 283, Title 28, Code of Alabama, 1940, is hereby amended to read as follows:

"§283 Amendments of by-laws.—Any and all amendments to the by-laws must be approved by the said superintendent of banks before they become operative."

Section 3. Section 284, Title 28, Code of Alabama, 1940, is hereby amended to read as follows:

"§284 Use of words 'credit union' in name of title.—It shall be a misdemeanor for any person, association, copartnership or corporation (except corporations organized in accordance with the provisions of this article, credit unions incorporated under the laws of the United States and the Alabama Credit Union League) to use the words 'credit union' in their name or title. A corporation organized under the provisions of this article shall include in its corporate name or title, the words 'credit union'."

Section 4. Section 285, Title 28, Code of Alabama, 1940, as amended by Act No. 2300 Regular Session 1971 (Acts of 1971, p. 3711 et seq.), is hereby amended to read as follows:

"§285 Powers.—A credit union shall have the following powers: To receive the savings of its members either as payment on shares or as deposits (including the right to conduct Christmas clubs, vacation clubs and other such thrift organizations within the membership). To accept deposits of trust funds if a member is the beneficiary or trustee if the funds are part of the estate of a deceased member. To make loans to members for provident or productive purposes. To make loans to other credit unions. To make loans to a cooperative society or other organizations having membership in the credit union. To deposit in state and national banks, saving and loan associations, the accounts which are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation, and of other credit unions. To invest in any investment legal for savings banks or for trust funds in the state. To borrow money from any source and to give its note therefor, provided that such borrowing shall not at any time exceed fifty percent of its assets. To exercise such incidental powers as shall be necessary to enable it to carry on effectively the purposes for which it is incorporated and such other powers as are expressly authorized by the Superintendent of Banks.

In addition to any and all other powers heretofore granted to credit unions, any credit union shall have the power to engage in any activity in which such credit union could engage were such credit union operating as a federally chartered credit union, including but not by way of limitation because of enumeration, the power to do any act, and own, possess and carry as assets, property of such character including stocks, bonds or other debentures which, at the time, are authorized under federal laws or regulations for transactions by federal credit unions, notwithstanding any restrictions elsewhere contained in the statutes of the State of Ala-

bama; provided, that no credit union can exercise any power which it claims only by virtue of such power being possessed by a federal credit union if the superintendent of banks issues a written order prohibiting a credit union from exercising such power."

Section 5. Section 287 (1), Title 28, Code of Alabama, 1940, is hereby amended to read as follows:

"(1) Credit unions shall be under the supervision of the superintendent of banks. They shall report to him at least annually on or before the first day of February on blanks supplied by the superintendent for that purpose. Additional reports may be required. Credit unions shall be examined at least annually by employees of the superintendent of banks or by other persons designated by the superintendent of banks. For failure to file reports when due, unless excused for cause, the credit union shall pay to the treasurer of the state five dollars for each day of its delinquency. If the superintendent determines that the credit union is violating the provisions of this article, or is insolvent, he may serve notice on the credit union of his intention to revoke the certificate of approval. If, for a period of fifteen days after said notice, said violation continues, the superintendent may revoke said certificate and take possession of the business and property of said credit union and maintain possession until such time as he shall permit it to continue business or its affairs are finally liquidated. He may take similar action if said report remains in arrears for more than fifteen days."

Section 6. Section 2 of Act No. 603, Regular Session 1957 (Acts of 1957, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) and now appearing as Section 287 (3), Title 28 Code of Alabama of 1940, as Recompiled 1958, is hereby amended to read as follows:

"§(2) (a) All credit unions examined by the state banking department shall pay examination fees, the exact amount of which shall be fixed from time to time by the superintendent of banks, but in no event shall the maximum amount so fixed exceed the fee scales set out herein:

(1) Credit unions having total assets of less than \$25,000 as of the effective date of the examination shall pay a fee not in excess of fifty cents for each full \$100.00 of assets, subject to a minimum of \$25.00.

(2) Credit unions with assets of \$25,000 or more as of the effective date of the examination shall pay a fee of \$54 per examiner day, plus eight cents per \$100.00 of assets up to and including \$500,000, plus three and one-half cents per \$100.00 of assets of \$500,000 but not in excess of \$1,000,000 plus 2½ cents per \$100 of assets over \$1,000,000 but not in excess of \$5,000,000 plus one cent per \$100.00 on all assets over \$5,000,000, subject to a minimum charge of \$125.00.

(b) Whenever application is made to the superintendent of banks for permission to organize a credit union, the applicant shall at the time of filing the certificate of organization with the superintendent of banks pay a fee not to exceed \$50.00 for the purpose of paying the costs incidental to the determination by the superintendent of banks whether such certificate of organization shall be approved. The superintendent shall from time to time fix the exact charge to be made but in no event shall the charge exceed \$500.00. The provision of this subsection shall not apply to any existing credit union seeking charter conversion.

(c) All fees collected under this section shall be paid into the special fund in the treasury created under the provisions of Title 5, Section 13, Code of Alabama, 1940, as amended and may be spent by the superintendent of banks for the uses and purposes specified in said Section 13 of Title 5, as amended, in the examination and supervision of credit unions."

Section 7. Section 292, Title 28, Code of Alabama of 1940, is hereby amended to read as follows:

"(1) The supervisory committee shall make or cause to be made a comprehensive annual audit of the books and affairs of the credit union and shall submit a report of that audit to the board of directors and summary of that report to the members at the next annual meeting of the credit union. It shall make or cause to be made such supplementary audits or examinations as it deems necessary or as are required by the superintendent of banks or by the board of directors, and submit reports of these supplementary audits to the board of directors.

(2) The supervisory committee shall cause the accounts of the members to be verified with the records of the credit union from time to time, and not less frequently than every two (2) years.

(3) The superintendent of banks may define the scope of any audit, and may set out what procedures must be followed for an audit to qualify as the required annual audit. He may prescribe procedures to be followed in the verification of records required not less frequently than every two (2) years.

(4) Whenever the supervisory committee shall fail to make a comprehensive annual audit, or shall fail to verify the accounts of members not less frequently than every two (2) years, the superintendent of banks by written order may direct the supervisory committee to perform these duties within a reasonable period of time. Upon failure of the committee to perform these duties as directed by the superintendent, the superintendent may employ an auditor to perform them, and the cost of such audit shall be borne by the credit union.

(5) The supervisory committee by a unanimous vote may suspend any officer, director or member of committee and call the members together to act on such suspension within 30 days after such suspension. The members at said meeting shall consider such suspension and vote to either remove such officer, director or committeeman permanently or to reinstate said officer, director or committeeman. By majority vote the supervisory committee may call a special meeting of the members to consider any matter submitted to it by said committee. The said committee shall fill vacancies in its own membership until the next annual meeting.

Section 8. Section 295, Title 28, Code of Alabama, 1940, as amended by Act No. 2300 Regular Session 1971 (Acts of 1971, p. 3711 et. seq.), is hereby further amended to read as follows:

"§295. A credit union may loan to members.—Loans must be for a provident or productive or purpose and are made subject to the conditions contained in the bylaws. A borrower may repay his loan in whole or in part any day the office of the credit union is open for business. Provided that loans to directors, officers or members of a committee are not prohibited in the bylaws, it shall be the duty of the board of directors to establish a written policy concerning loans to a director, officer, or member of committee. If it is the policy of the credit union to make directors, officers and members of a committee eligible for loans, such loans will be made under the same terms, conditions and rules as similar loans to other members. In no case may the credit committee make a loan to a director, officer, or member of committee under the terms more favorable than the terms of similar loans to other members. The credit committee shall at least monthly submit to the board of directors a listing of all loans made to directors, officers and committee members.

Unless it is the policy of the credit union to make loans to directors, officers and members of a committee: (a) no such person may borrow or guaranty any loan from that credit union in an amount in excess of his shares and deposits in that credit union, and (b) no loan or endorsement made more than 90 days prior to his election shall prohibit any person from being elected as a director, officer or member of a committee, but a new or additional loan or guaranty in excess of such person's shares and deposits shall not be made after such person's election and during his term of office, and (c) any person who has, less than ninety (90) days prior to election, borrowed or guaranteed loans from the credit union in excess of his shares and deposits shall, within 15 days after his election, fully pay or secure such loans with shares and deposits, including any shares and deposits held by such person."

Section 9. Section 297, Title 28, Code of Alabama of 1940, is hereby amended to read as follows:

"§297 Reserve fund. (a) From the gross earnings of the credit union there shall be set aside, as a regular reserve against losses on loans and such other losses as may be specified by superintendent of banks, a sum in accordance with the following schedule: 10 per centum of gross income from loans to members, other than loans to credit unions, until the regular reserve shall equal $7\frac{1}{2}$ per centum of the total of outstanding loans, then 5 per centum of gross income from loans to members, other than loans to credit unions, until the regular reserve shall equal 10 per centum of the total of outstanding loans. Whenever the regular reserve falls below 10 per centum or $7\frac{1}{2}$ per centum of the total outstanding loans, as the case may be, it shall be replenished by regular contributions in such amounts as may be needed to maintain the reserve goals of $7\frac{1}{2}$ per centum or 10 per centum, provided that no credit union shall be required to set aside more than 10 per centum of gross income.

(b) All entrance fees and fines shall be added to the regular reserve. In addition to such regular reserve, special reserves to protect the interests of members shall be established (1) when required by superintendent of banks; or (2) when found by the superintendent of banks, in any special case, to be necessary for that purpose."

Section 10. Section 300, Title 28, Code of Alabama of 1940, is hereby amended to read as follows:

"§300. (1). Voluntary Dissolution.—The process of voluntary dissolution shall be as follows: At a meeting called for that purpose (notice of which purpose must be contained in the call) two-thirds of these in attendance may vote to dissolve the credit union. Notice of the meeting must have been mailed to the last known address of each member of the credit union at least fifteen days prior to the date of the meeting. The superintendent of banks determines whether or not the credit union is solvent. If such is the fact he issues in duplicate a certificate to the effect that this section has been complied with. The certificate is filed with the probate judge of the county in which the credit union is located, whereupon the credit union is dissolved and shall cease to carry on business except for the purposes of liquidation. The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets and doing all other acts required in order to wind up its business, and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted and wound up, for three years."

"§300. (2). Merger Procedures.—Any credit union may, with the approval of the Superintendent of Banks, merge with another credit union under the existing Certificate of Organization of the other credit

union, pursuant to any plan agreed upon by the majority of each board of directors of each credit union joining in the merger. In addition to approval by the Superintendent of Banks and each board of directors, the membership of the merging credit union must also approve the merger plan in the following manner:

At a meeting called for that purpose (notice of which purpose must be contained in the call) two-thirds of those in attendance may vote to approve the merger plan. Notice of the meeting must have been mailed to the last known address of each member of the credit union at least fifteen days prior to the date of the meeting. (a) After agreement by the directors and approval by the members of the merging credit union, the president and secretary of the credit union shall execute a certificate of merger which shall set forth all of the following:

(i) The time and place of the meeting of the board of directors at which the plan was agreed upon;

(ii) The vote in favor of the adoption of the plan;

(iii) A copy of the resolution or other action by which the plan was agreed upon;

(iv) The time and place of the meeting of the members at which the plan agreed upon was approved; and

(v) The vote by which the plan was approved by the members.

(b) Such certificate and a copy of the plan of merger agreed upon shall be forwarded to the Superintendent of Banks, certified by him, and returned to both credit unions within thirty (30) days. (c) Upon return of the certificate from the Superintendent of Banks all property, property rights, and members' interest of the deed, endorsement or other instrument of transfer, and all debts, obligations and liabilities of the merged credit union shall be deemed to have been assumed by the surviving credit union under whose charter the merger was effected. The rights and privileges of the members of the merged credit union shall remain intact.

(d) A copy of the certificate approved by the Superintendent of Banks shall be filed with the judge of probate of the county in which each credit union's Certificate of Organization is recorded. (e) This section applies to credit unions organized under the laws of the State of Alabama. Federally chartered credit unions may be merged into Alabama organized credit unions, under the same conditions as Alabama credit unions; provided that the merger plan is approved by the Administrator of the National Credit Union Administration. (f) Credit unions organized under the laws of the State of Alabama may be merged into federally chartered credit unions under the same conditions as provided in this section; provided that the merger plan is approved by the Administrator of the National Credit Union Administration."

Section 11. Section 301, Title 28, Code of Alabama of 1940, is hereby amended to read as follows:

"§301. Change in place of business.—A credit union may change its place of business on written notice to said superintendent of banks."

Section 12. All laws or parts of laws which conflict with this Act are repealed.

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31st Day

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Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Carothers, Carter, Clark, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Starkey, Turnham, Venable, Waggoner, Whatley and White.

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Mr. Lutz offered the following amendment to the bill, S. 415 as amended:

Amend the Substitute for S. B. 415 by deleting the words and phrases in Section 4, page 3, lines 34 and 35 as follows: To accept deposits of trust funds if a member is the beneficiary or trustee if the funds are part of the estate of a deceased member and inserting in lieu thereof the following words and phrases: To accept deposits of fiduciary funds if a member is the beneficiary, trustee or personal representative and if the funds are part of the estate of a deceased member.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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And the bill, S. 415 as thus amended, was read a third time at length and passed.

Yeas 60; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Carothers, Carter, Cates, Clark, Cross, Dial, Edwards, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore,

Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (J), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley and White.

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Nay: Mr. Holmes.

—1

H. 513 INDEFINITELY POSTPONED

And the bill:

H. 513. (With Substitute) (With Amendment): To amend sections 282, 283, 284, 285, 287, 289, 292, 295 as amended, 297 and 300 of Title 28, Code of Alabama 1940, and Section 2 of Act No. 603, Regular Session 1962 (Acts of 1962, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Was taken up.

On motion of Mr. Lutz, the bill, H. 513, was indefinitely postponed.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:30 A. M. On September 18, 1975.

H. 167

H. 168

H. 1302

H. 1047

H. 753

H. 917

H. 1389

H. 918

H. 1172

H. 1214

H. 815

H. 1049

H. 1483

H. 121

H. J. R. 139

H. J. R. 249

H. J. R. 251

H. J. R. 258

H. J. R. 261

H. J. R. 265

H. J. R. 266

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H. J. R. 268
H. J. R. 269
H. J. R. 272
H. J. R. 286
H. J. R. 287
H. J. R. 288
H. J. R. 289
H. J. R. 323
H. J. R. 327
H. J. R. 332
H. 828
H. 1044
H. 1136
H. 1116
H. 1071
H. 1034

Delivered to the Governor at 3:30 P. M. On September 18, 1975.

H. 1751
H. 1750
H. 1534
H. 858

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock midnight having arrived and in accordance with the resolution, H. R. 367, heretofore adopted, the Speaker declared the House adjourned until 10:00 o'clock a. m., Tuesday, September 23, 1975.

THIRTY-SECOND DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 23, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. J. R. White, Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg,

Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-first legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirty-first legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-first legislative day was approved.

LEAVE OF ABSENCE

At the request of Mr. Williams, leave of absence was granted for Mr. Crawford, due to illness in the family.

RECESS

On motion of Mr. Manley, the House recessed until 10:30 o'clock a. m.

HOUSE RECONVENED

The hour of 10:30 o'clock a. m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to wit:

H. 300. To provide a definite statute of limitations in liability actions; to eliminate the ad damnum clause in complaints alleging liability; to define the duty of care; to require warranties of cure to be in writing; to prevent advance payments from being considered admissions of liability. In lieu of the scintilla rule, to require evidence of substantial weight and provative effect in medical liability actions; to provide for periodic payments of awards in medical liability actions; to authorize the Insurance Commissioner to establish a joint underwriting association and to provide rules for such joint underwriting association; to provide

for voluntary arbitration of disputes; and to require insurance carriers to report claims and cases incurred to the Insurance Commissioner.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills, your signature thereto is requested:

S. 408. To provide that all persons employed as guides in the Capitol complex shall be given the classification of "Capitol Hostess" under the provisions of the merit system and provides for additional compensation.

Also:

S. 460. To amend Title 48, Sections 215, 216, 217, 222, and 223, Alabama Code 1940, which provides for the appointment and exercise of powers of Railway Policemen, so as to provide the Governor power to enter into reciprocal agreements with other states, allowing Railway Policemen to exercise their power and authority in other states; to allow such policemen to register with the Secretary of State.

Also:

S. 461. To amend Title 48, Section 462, Code of Alabama 1940, which relates to unlawful riding on trains, busses and trucks, so as to increase the penalty therefor.

Also:

S. 933. To amend Sections 15, as amended, 16 and 26 of Act No. 1049, S. 8, Legislature of 1969 (Regular Session), approved September 12, 1969 (Acts of 1969, Vol. III, pp. 1939-1965), an Act to provide for the mandatory inspection of the slaughter of cattle, sheep, swine, goats and equines, and poultry, and the preparation of carcasses, parts thereof, meat and meat food products of such animals, etc.; amend Sections 15 and 16 of said Act No. 1049 which relate to exemptions from the provisions of said Act by rules and regulations, and amend Section 26 of said Act No. 1049 which relates to enforcement of said Act by injunctive proceedings.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Manley:

H. R. 381. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Thursday, September 25, 1975, at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 381, was adopted.

Also:

By Mr. Manley:

H. J. R. 382. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that when the two houses adjourn on Tuesday, September 23, 1975, they adjourn to meet on Thursday, September 25, 1975 and when the two houses adjourn on September 25, 1975, they adjourn to meet on Tuesday, September 30, 1975, and when the two houses adjourn on September 30, 1975, they adjourn to meet on Thursday, October 2, 1975, and when the two houses adjourn on October 2, 1975, they adjourn to meet on Thursday, October 9, 1975, and when they adjourn on October 9, 1975 they adjourn sine die.

On motion of Mr. Manley, the rules were suspended and the resolution, H. J. R. 382, was adopted.

Also:

By Messrs.: Merrill, Gafford, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 383. MOURNING THE DEATH OF REPRESENTATIVE RAY BURGESS.

WHEREAS the Alabama Legislature has learned with a sense of deep regret of the passing of their colleague and former associate, Representative Ray Burgess; and

WHEREAS Ray Burgess contributed immeasurably to the enrichment of our cultural, economic and everyday lives and contributed much to the betterment and well-being of all citizens of this State; and

WHEREAS Representative Burgess was elected by the people of Calhoun County to represent them in the House of Representatives for three consecutive terms; and

WHEREAS Representative Burgess was a graduate of Jacksonville State University, served in the Army Reserve and Naval Air Reserve and was a Baptist and a Mason; and

WHEREAS he was married to the former Lavada Ann Carroll and they were the parents of four splendid children; and

WHEREAS Representative Burgess was a devoted community builder who served his people with great love and dedication; and

WHEREAS he reflected the uncommon endowments of foresight, perseverance and capacity for intelligent leadership and will be keenly missed by a host of friends in all walks of life to whom he so generously gave of his talents and friendship; and

WHEREAS this Legislature will greatly miss their beloved friend and colleague, Ray Burgess; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we greatly mourn the death of our friend and colleague, Representative Ray Burgess, and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Merrill, the rules were suspended and the resolution, H. J. R. 383, was adopted.

Also:

By Mr. Falkenburg:

H. J. R. 384. WHEREAS, on November 9, 1975, Hewitt Artman Snow, Public Works Director-County Engineer of Jefferson County, will retire after 42 years of distinguished public service to Jefferson County; and

WHEREAS, Mr. Snow's career as a public servant for Jefferson County began in 1933 and continued until the present with the exception of his taking leave to serve in the United States Marine Corps in World War II and the Korean Conflict during which service he distinguished himself and received many citations and numerous medals including the Marine commendation and the Bronze Star, and during which service he demonstrated his brilliant engineering knowledge in the construction of a Marine Airstrip while under constant Chinese fire at Chosin Reservoir in northeast Korea; and

WHEREAS, in 1962, after service in each department of the County engineering division, Mr. Snow was appointed as County Engineer of Jefferson County and has continuously since that time demonstrated his brilliance and tireless devotion to Jefferson County in the use of the best engineering standards in the design, construction, maintenance and operation of public facilities in his County; and

WHEREAS, Mr. Snow's efforts and outstanding professional service to his County resulted in his being selected by the National Association of County Engineers as the outstanding "Urban County Engineer of the Year" in 1971; and

WHEREAS, in 1949 while in the service of his County, Mr. Snow, as design engineer, did design a bridge for the Locust Fork of the Black Warrior River, said bridge being 586.58 feet long and which bridge because of unusual design requirements, it being a continuous plate girder bridge, required tremendous skill and hundreds of manhours of design calculations, and which efforts of Mr. Snow resulted in the construction

of said bridge in 1949, and which bridge is now known as the Maxine Bridge, and which bridge is located near Mr. Snow's homeplace of Maxine Alabama; and

WHEREAS, the Legislature of Alabama desires to honor Mr. Snow for his many years of dedicated public service to the people of Jefferson County and of Alabama by renaming said bridge in his honor.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the bridge in Jefferson County at the Locust Fork of the Black Warrior River, now known as the Maxine Bridge, be named, and it hereby is named, The Hewitt Artman Snow Bridge.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Honorable Hewitt Artman Snow.

On motion of Mr. Falkenburg, the rules were suspended and the resolution, H. J. R. 384, was adopted.

Also:

By Messrs.: McNees, Roberts, Naramore, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. J. R. 385. MOURNING THE DEATH OF FORMER REPRESENTATIVE D. C. ("DEACON") GREY.

WHEREAS, the Alabama Legislature notes with a sense of deep regret the death of former State Representative D. C. ("Deacon") Grey on September 22, 1975; and

WHEREAS, Representative Grey was born December 18, 1922 in Bankston, Alabama; and

WHEREAS, Mr. Grey had served since October 1, 1973 as Tax Collector of Fayette County and was a member of the House of Representatives from 1971 to October 1, 1973, and was the former Mayor of Berry; and

WHEREAS, this public servant used his talents for the betterment of the citizens of his community and state; and

WHEREAS, this prominent and influential leader was a World War II Army Veteran, past president of the Lions Club, and a member of the American Legion, the Masons, and the Baptist Church; and

WHEREAS, "Deacon's" generosity, quick wit and good humor attracted friends whose number are legion; and

WHEREAS, Representative D. C. ("Deacon") Grey is survived by his wife, the former Marie Brasher of Bankston, and by his four sons, Mitchell, Tony, Danny and Jimmy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of our good friend and former colleague, and extend our sincere sympathy to the surviving members of his family to whom copies of this resolution shall be sent.

On motion of Mr. McNees, the rules were suspended and the resolution, H. J. R. 385, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Martin, the rules were suspended in order to allow introduction of general bills after the thirtieth legislative day.

BILLS ON SECOND READING

Mr. Falkenburg, Chairman of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1931. (With Amendments): To amend Section 259 of Title 46 of the Code of Alabama 1940, as amended, relating to the qualifications of applicants, to expedite the licensure of United States citizens who are graduates of foreign medical schools.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Mr. Reed, Chairman of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bills

and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 299. To limit the amount of service charge which can be added to a bill at an establishment which serves food or beverages primarily for consumption on the premises, to 15% of the amount of the bill; and to require that adequate notice must be given to the customer before such service charge can be added, and that 100% of any such service charge must be remitted to the employee or employees who actually render the service.

H. 307. To provide for the licensing and regulation of social workers, certified social workers, and certified specialty social workers including clinical social workers; to establish and define the duties and powers of the State Board of Social Work Examiners; to make violation of this Act a misdemeanor, and prescribe a penalty therefor.

H. 684. Relating to landlord and tenant: defining terms; providing for lien on tenant's property under certain conditions; providing method of enforcing the lien; and providing procedures regarding payment and refund of deposits.

H. 1238. To provide further for the parole of infirm, aged and handicapped prisoners in the state penal system.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 147. To limit the use of public road and bridge funds of DeKalb County.

S. 157. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

S. 158. Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

S. 260. To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or rearrange the boundary lines of the Town of Fyffe, Dekalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

S. 387. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

S. 389. Relating to Randolph County: providing further for the compensation of election officials.

S. 532. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for

the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

S. 603. To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

S. 604. Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

S. 630. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

S. 631. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriations of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

S. 664. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

S. 665. To provide for the compensation of jurors in Randolph County.

S. 741. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

S. 877. To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

S. 898. Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

S. 928. Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

S. 931. To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

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S. 932. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Chilton County; and to fix and regulate the costs and charges of courts.

The above bill was read a second time at length as required by the Constitution.

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying with Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

S. 937. To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

S. 943. To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

S. 945. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county, offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

S. 959. To authorize all counties having populations of not less than 24,900 nor greater than 25,150 according to the most recent federal decennial census, to construct and maintain, wholly within the county,

offices for persons engaged in the diagnosis, treatment and cure of sick and injured persons, buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect thereto, and appurtenant facilities (and to acquire sites therefor); to authorize any such county to borrow money and to issue interest-bearing bonds, warrants and notes for the purpose of financing the construction of any such offices, buildings and facilities, and the acquisition of such sites; to provide that such bonds, warrants or notes may be general obligations of the issuing county or may be limited as to their source of payment and to authorize special pledges therefor; to authorize any such county to lease to one or more physicians all or any part of such offices, buildings and facilities; to prescribe certain conditions precedent that must be complied with before a county may construct or finance any such offices, buildings and facilities; to prohibit a county from leasing or renting any such offices, buildings or facilities unless the lease or rental arrangement obligates the lessees or tenants to pay rental aggregating not less than the fair rental value thereof; and to provide that the failure of any such county to comply with the provisions of this act relating to the leasing or renting of such offices, buildings or facilities shall not affect the validity or legality of any securities issued for the purpose of constructing such offices, buildings and facilities.

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

S. 1115. To authorize establishment of branch banks in Monroe County.

H. 1658. To alter or rearrange the boundary lines of the Town of Clio, Barbour County, Alabama, so as to include the corporate limits of said Town all territory now within such corporate limits and also certain territory contiguous thereto, in Barbour County, Alabama.

H. 1908. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) of DeKalb County shall be set by the County Commission at not more than \$15,000 nor less than \$10,000 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

H. 1921. An Act relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

H. 1924. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

H. 1926. Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

H. 1936. To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

H. 1937. To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

H. 1938. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

H. 1940. Relating to the election of members of the Pickens County Board of Education and repealing conflicting laws.

H. 1945. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

H. 1949. To provide an additional expense allowance for the chairman and members of the county commission of all counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for a salary increase for the chief deputy sheriff and the deputy sheriff of any such county; to provide an additional expense allowance for the sheriff; and providing two additional jailors for such county and their compensation.

H. 1951. Relating to the office of the sheriff in all counties having populations of not less than 11,500 nor more than 12,500 inhabitants, according to the most recent federal decennial census; to provide for an additional jailer and fix his salary.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the

following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 476. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

H. 1822. To amend further Sections 3, 11, 12, 13 and 18 of Act No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard; to provide for the retroactive effect of the amendatory provisions of this Act.

H. 1947. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1927. Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

H. 1928. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

H. 1933. Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time, and referred to appropriate standing committees, as follows:

By Messrs. Ford, Taylor and Rich:

H. 1952. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Local Legislation No. 1.

By Mr. Owens (With Notice and Proof):

H. 1953. To require the City of Centreville in Bibb County to es-

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establish a personnel and merit system under the supervision of the State Personnel Department and to repeal all conflicting statutes.

Local Legislation No. 1.

Notice and Proof H. 1953:

LEGAL NOTICE

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA
COUNTY OF BIBB

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To require the City of Centreville in Bibb County to establish a personnel and merit system under the supervision of the State Personnel Department and to repeal all conflicting statutes.

Be It Enacted by the Legislature of Alabama:

Section 1. The City of Centreville in Bibb County is hereby authorized and directed to enter into an agreement with the State Personnel Department for the establishment of a city personnel and merit system. Such system shall be established based upon recommendations of the State Personnel Department and any cost thereof shall be paid from any funds available in the city treasury.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CENTREVILLE

Before me, the undersigned authority in and for said County in said State, this day personally appeared J. W. Oakley, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was of the Centreville Press, a newspaper of general circulation published in Bibb County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 14, August 21, August 28, and September 4, all in the year 1975.

J. W. OAKLEY, JR.

Sworn to and subscribed before me September 4, 1975.

FRANCES N. BAKER,
Notary-Publisher.

By Messrs. Taylor, Ford and Rich:

H. 1954. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

Local Legislation No. 1.

By Mr. Smith (M) (With Notice and Proof):

H. 1955. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Local Legislation No. 1.

Notice and Proof H. 1955:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF RANDOLPH

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL TO BE ENTITLED AN ACT

To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary line of the Town of Wedowee, Randolph County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Wedowee and in addition thereto the following described territory to-wit:

SW¼, W½ of SE¼, W½ of NE¼, Section 40, Township 20, Range 11.

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

(2) That the Town Clerk be and he hereby is directed to prepare the necessary copies of the above mentioned Bill for introduction in the Legislature; and that immediately after the fourth publication of the notice prescribed in (1) above he shall pay the cost of such publication and procure from said publisher an affidavit substantially as follows:

Note: The Aug. 27, 1975, issue of the Press in the second paragraph of Section 1 of this Resolution listed the land as being in Section 5, Township 20, Range 11. It is corrected this week to read Section 4, Township 20, Range 11.

**REGULAR SESSION
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AFFIDAVIT

**STATE OF ALABAMA
COUNTY OF RANDOLPH**

I, J. S. Schuessler, business manager The Randolph Press, a newspaper of general circulation published in the Town of Wedowee, Alabama, Randolph County, do hereby certify that the attached Legal Notice appeared in this newspaper on August 20, 27, Sept. 3, 10, all in the year 1975.

J. S. SCHUESSLER.

Subscribed and sworn to before me this the 17th day of September, 1975.

CAROL LANE WOOD.

My Commission Expires April 25, 1977.

By Mr. Kelley:

H. 1956. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes prescribing a penalty for violation of this Act.

Local Legislation No. 1.

By Mr. Taylor:

H. 1957. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within such counties; providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Local Legislation No. 1.

By Mr. McCluskey:

H. 1958. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$6,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

Local Legislation No. 1.

By Mr. Martin:

H. 1959. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Local Government.

By Messrs. Weeks and McNees:

H. 1960. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most

recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Local Legislation No. 1.

By Messrs. Turnham, Higginbotham and Whatley:

H. 1961. Relating to all counties with populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census; to provide that the coroner of such county may charge a fee for certain services rendered.

Local Legislation No. 1.

By Mr. White:

H. 1962. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Local Legislation No. 2.

By Messrs. Drake and Sparks (With Notice and Proof):

H. 1963. Relating to Cullman County; to protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such county.

Local Legislation No. 1.

Notice and Proof H. 1963:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Cullman County; to protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such county.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in Cullman County.

Section 2. The provisions of this act are pursuant to the legislative authority to protect the public health and welfare, and specifically to protect and preserve water purification and to prevent water contamination.

Section 3. It shall be unlawful for any person, partnership, corporation or any association of individuals to engage in surface mining in the following area contiguous to Lewis Smith Lake: the area bound-

ed by the meandering line determined by following the contour established by the spillway elevation and a meandering line a distance of $\frac{1}{4}$ mile away from the contour line established by the spillway elevation.

Section 4. Any person, partnership, corporation or any association of individuals who violates the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$500.00 nor more than \$1,000.00.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August, 21, 28, Sept. 4, 11, all in the year 1975.

MARC MILLER.

Sworn to and subscribed before me Sept. 22, 1975.

CHARLOTTE MILLER,
Notary Public.

By Mrs. Quarles:

H. 1964. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Local Legislation No. 1.

By Mr. McMillan:

H. 1965. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing for an increase in the annual expense allowance for the sheriff of such counties.

Local Legislation No. 1.

By Mr. McMillan:

H. 1966. Relating to counties having a population of not less than 57,000 nor more than 61,000; to provide an additional expense allowance for the probate judge.

Local Legislation No. 1.

By Mr. McMillan:

H. 1967. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for an additional expense allowance for the tax collector and the tax assessor.

Local Legislation No. 1.

By Mr. McMillan:

H. 1968. To provide additional compensation for members of the jury commission in all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census.

Local Legislation No. 1.

By Mr. McMillan:

H. 1969. Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Smith (M):

H. R. 386. WISHING THE SPEEDY RECOVERY OF MRS. ELLEN MORTON.

WHEREAS, Mrs. Ellen Morton has been a prominent citizen of Chambers County for many years; and

WHEREAS, she has done much more than her pro rata share to promote the good life and well being of her fellow man; and

WHEREAS, she has served unselfishly and without remuneration or hope of worldly gain; and

WHEREAS, it has recently come to the attention of the State that Mrs. Ellen Morton has succumbed to ill health and is now recuperating;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That it does hereby take this opportunity to express grateful appreciation to Mrs. Ellen Morton for her public contributions; and

BE IT FURTHER RESOLVED, That the State does wish her a rapid and immediate recovery; and

BE IT EVEN FURTHER RESOLVED, That upon recovery, the State does request that Mrs. Ellen Morton, re-enter public life and resume her traditional place of leadership.

On motion of Mr. Smith (M), the rules were suspended and the resolution, H. R. 386, was adopted.

Also:

By Mr. Kelley:

H. J. R. 387. WHEREAS Alabama's abundant industrial, professional and commercial historic landmarks reflect significant national

achievements in manufacturing, commerce, science, invention and technology; and

WHEREAS historic buildings adapted and used as offices, classrooms, libraries and laboratories favorably reflect the outstanding accomplishments of Alabama physicians, attorneys, scientists, engineers and educators; and

WHEREAS too many of these evidences of Alabama's educational, professional, commercial and industrial heritage have been demolished or have eroded with the passing of time, urban upheaval, suburban sprawl, and change; and

WHEREAS a growing number of merchants, shopkeepers, bankers, professional and service concerns are adapting mansions and cottages for viable present day market place and official use, with restored extensions which appeal to tourists and contribute to the economy;

NOW THEREFORE BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, that the Alabama legislature create the Historic Resources Adaptors Council. Adaptors, in cooperation with the Alabama Historical Commission, shall develop a program adapting, renovating and rehabilitating both residential and commercial landmarks with architectural and historic appeal.

The lieutenant Governor shall appoint three members from State at large, and the Speaker of the House of Representatives shall appoint two members from State at large from a list of nominees submitted by the Alabama Historical Commission to consist of affiliates who "work, serve or sell" in historic landmarks. The Alabama Historical Commission shall appoint two members from State at large; and the executive director of the Alabama Historical Commission, or his staff designee shall serve as an ex-officio member. The members of the Council shall consist of a representative of the Alabama State Chamber of Commerce, Alabama Bar Association, Association of Industries of Alabama, Alabama Retail Merchants Association, Medical Association of Alabama, Alabama Bankers Association, Alabama Education Association, Alabama League of Municipalities, and Central Alabama Regional Preservation Council.

Members will serve terms of four (4) years each and shall serve without compensation and will meet no more than three times a year, one of which shall be in conjunction with the Annual Meeting of the Alabama Historical Commission.

The Historic Resource Adaptors Council is charged to, in cooperation with the Alabama Historical Commission to organize local, regional and area councils which will promote and encourage Alabamians to adapt, renovate, and rehabilitate industrial, professional and commercial historic landmarks.

The resolution, H. J. R. 387, was read and referred to the Standing Committee on Rules.

Also:

By Mr. Kelley:

H. J. R. 388. WHEREAS many of America's leading historic forts, battle sites, roads, and trails are located within the State of Alabama; and

WHEREAS several of Alabama's Indian trade and treaty and military transportation landmarks are National Historic Landmarks and numerous others are recorded in the National Register of Historic Landmarks; and

WHEREAS historic forts and landmark roads are tourist meccas with scenic and recreational appeal to Alabama adults and our youth as well as hundreds of thousands of visitors from out of state; and

WHEREAS much is yet to be done by both the public and private sectors to register, excavate, restore, preserve, and develop these significant landmarks.

NOW THEREFORE BE IT RESOLVED create the State Fort and Historic Trail Council, to work with the Alabama Historical Commission to preserve military and trade forts, battlefields, roads, trails, traces, including their scenic, natural and recreational elements.

The Council shall be composed of thirteen members who shall be selected to serve for four (4) year terms. The Governor of the State of Alabama, the Lieutenant Governor of the State, and the Speaker of the Alabama House of Representatives shall each name a member. Organizations who shall nominate members to the Council and notify the Historical Commission are the Alabama Travel Council, the Alabama Conservancy, the Chickasaw National Historical Society, Alabama Campers Association, and the Creek Indian Nation of Alabama. Two members shall be selected by the Alabama Historical Commission from the state-at-large. The ranking National Park Service and the chief administrator of the U. S. Forest Service in Alabama or his designee and the Executive Director of the Alabama Historical Commission or his designee shall serve as ex-officio members of the Council.

The Council shall meet as a body no more that twice a year and shall counsel the State of Alabama regarding the development of the state's historic forts, roads and trails and natural landmarks.

Members will serve terms of four (4) years each and shall serve without compensation and will meet no more than three times a year, one of which shall be in conjunction with the Annual Meeting of the Alabama Historical Commission.

The Historic Resource Adaptors Council is charged to, in cooperation with the Alabama Historical Commission to organize local, regional and area councils which will promote and encourage Alabamians to adapt, renovate, and rehabilitate industrial, professional and commercial historic landmarks.

The resolution, H. J. R. 388, was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING FILED

Mr. Campbell filed the following Notice in Writing:

Notice is hereby given that on the next legislative day I will make a motion to abolish the House Standing Committee on Public Welfare.

RESOLUTIONS

The following resolutions introduced on the twenty-ninth legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 114. Congratulating McMillan Lane, Commissioner of Agriculture and Industries, for his appointment as Chairman of the Rural

Development Committee of the National Association of State Departments of Agriculture.

S. J. R. 115. Commending the Birmingham Area Council of Camp Fire, Inc.

H. J. R. 339. Commending the Tuscumbia Senior League All Stars.

H. R. 346. Praising Mrs. Frances Murray.

H. J. R. 350. Commending Dean Pierce for 20 years as Dean of Education at Auburn.

The resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the thirtieth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 351. Mourning the death of William E. Fretwell of Perdido.

H. J. R. 352. Mourning the death of Cecil R. Blackwell of Bon Secour.

H. J. R. 354. Mourning the death of the Honorable Orville E. Braddock, Mayor of Hoover.

H. J. R. 359. Mourning the death of Gerald Carl Swann.

H. R. 361. Mourning the death of Mr. O. R. Richardson of Centre, Alabama.

H. J. R. 364. Congratulating our First Lady, Mrs. Cornelia Wallace, on the honors the citizens of Elba bestowed upon her on September 12, 1975.

S. J. R. 123. Mourning the death of Wilson Baker.

S. J. R. 104. Mourning the death of City Clerk W. Francis Pearson of Opelika, Alabama.

S. J. R. 105. Mourning the death of Mr. Lewis Cooper, Jr., Mayor of Opelika.

S. J. R. 109. Mourning the death of Mrs. Edna Betty Udell.

S. J. R. 110. Honoring Chief Claude Carr upon his retirement from the Attalla Police Department.

S. J. R. 119. Commending and Congratulating Leaborne L. Eads of Montgomery upon being elected and installed as President-elect of the National Exchange Club Organization.

The resolutions were adopted en masse.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Stewart:

S. 1134. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled

"Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Also:

By Mr. Stewart:

S. 1135. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

Also:

By Mr. Fine:

S. 1142. Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

Also:

By Mr. Fine:

S. 1143. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Also:

By Mr. Fine:

S. 1149. Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

Also:

By Messrs. Gilmore and Littleton:

S. 1150. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-1976.

Also:

By Messrs. Gilmore and Littleton:

S. 1151. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the

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most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Also:

By Mr. Stewart:

S. 1152. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Also:

By Mr. Fine:

S. 1159. Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

Also:

By Mr. Fine:

S. 1161. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

Also:

By Messrs. Little and Torbert:

S. 1164. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in the 37th Judicial Circuit.

Also:

By Messrs. Little and Torbert:

S. 1165. Relating to any judicial circuit composed of a county having a population between 60,000 and 65,000 inhabitants according to the most recent or any subsequent federal decennial census; to provide for the fixing of fees of official court reporters of such judicial circuit to be taxed as court costs.

Also:

By Mr. Mitchell:

S. 1132. Relating to Crenshaw County; to provide for the county solicitor's salary.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CRENSHAW

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

Relating to Crenshaw County; to provide for the county solicitor's salary.

Be It Enacted by the Legislature of Alabama:

Section 1. The salary of the county solicitor of Crenshaw County shall be six hundred (\$600) per month and shall be paid from the same funds as his current compensation is paid. This compensation shall be effective upon the expiration of the current term of the county solicitor and shall be in lieu of all other compensation, salary, and expenses accounts heretofore provided by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT

PROOF OF PUBLICATION

STATE OF ALABAMA
CRENSHAW COUNTY

Before the undersigned Notary Public personally came Alvin C. Bland, who being duly sworn says upon oath that he is Publisher of a newspaper published at Luverne, Crenshaw County, Alabama known as The Luverne Journal, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A BILL TO BE ENTITLED AN ACT . . . was published in said newspaper, once a week for four consecutive weeks, to-wit in the issues of said newspaper dated: August 6, 1975; August 13, 1975; August 20, 1975; August 27, 1975.

ALVIN BLAND.

Sworn and subscribed to before me this 2nd day of September, 1975.

PEGGY L. KNIGHT,
Notary Public.

My Commission Expires 3-28-78.

Also:

By Mr. Mitchell:

S. 1131. Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
CRENSHAW COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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A BILL
TO BE ENTITLED
AN ACT

Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. The county solicitor of Crenshaw County shall be paid an additional expense allowance of one-hundred and fifty dollars (\$150) per month to be paid from any fund in the county treasury. Such expense allowance shall be in addition to all other compensation and allowances heretofore provided by law and shall expire at the end of the current term of the county solicitor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT
PROOF OF PUBLICATION

STATE OF ALABAMA
CRENSHAW COUNTY

Before the undersigned Notary Public personally came Alvin C. Bland, who being duly sworn says upon oath that he is Publisher of a newspaper published at Luverne, Crenshaw County, Alabama known as The Luverne Journal, and that the notice of publication, a true copy of which is hereto annexed, and being entitled: A BILL TO BE ENTITLED AN ACT was published in said newspaper, once a week for Four consecutive weeks, to-wit in the issues of said newspaper dated: August 6, 1975; August 13, 1975; August 20, 1975; August 27, 1975.

ALVIN BLAND.

Sworn and subscribed to before me this 2nd day of September, 1975.

PEGGY L. KNIGHT,
Notary Public.

My Commission Expires 3-28-78.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1134. Local Legislation No. 1.

SENATE MESSAGE

The Senate bill, S. 1135, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Local Legislation No. 1.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1142. Local Legislation No. 1.
- S. 1143. Local Legislation No. 1.
- S. 1149. Local Legislation No. 1.
- S. 1150. Local Legislation No. 1.
- S. 1151. Local Legislation No. 1.
- S. 1152. Local Legislation No. 1.
- S. 1159. Local Legislation No. 1.
- S. 1161. Local Legislation No. 1.
- S. 1164. Local Legislation No. 1.
- S. 1165. Local Legislation No. 1.
- S. 1132. Local Legislation No. 1.
- S. 1131. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Jones:

S. 155. To provide in all counties having populations of not less than 150,000 nor more than 180,000 according to the most recent federal decennial census and in the largest municipality in any such county for the establishment of a joint city-county transportation pool; to provide for the operation of the transportation pool by a joint city-county division of service; to provide for the establishment of a transportation pool revolving fund and to authorize the city and county governing body to appropriate funds to the revolving fund; and to provide for the transfer of automobiles to the joint city-county division of service for use in the transportation pool.

Also:

By Mr. Wilson:

S. 947. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

By Mr. Shelby:

S. 1096. To amend Act No. 91, S. 70, of the 1975 Third Special Session of the Legislature of Alabama to provide for secretarial, legal, clerical or administrative assistants for each circuit judge of all judicial circuits composed of only one county having a population of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; and to fix the term of office and prescribe the pay for such

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assistants; and to provide for the payment of the salaries of such assistants out of the general fund of the county composing said circuits.

Also:

By Mr. Flippo:

S. 1125. Relating to all counties having populations of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; providing that an unincorporated community shall not be incorporated if the territory or any part of its corporate limits lies within the police jurisdiction of the corporate limits of any existing city or town within such county.

Also:

By Mr. Flippo:

S. 815. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, by amending Sections 1, 2 and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may

be established as an addition to or change in the existing county road systems; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended, to read as follows:

"Section 1. The State Highway Department shall, subject to the provisions and limitations contained in this Act, be responsible for the construction, maintenance and repair of the county roads and bridges in Lauderdale County.

(a) When used in this Act, the phrase "betterment projects" shall mean and include new paving, resealing, grade, drain and temporary surface, striping and new bridge construction."

Section 2. Section 2 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended to read as follows:

"Section 2. The county governing body of Lauderdale County shall have and exercise only the powers and functions relative to the construction, maintenance, and repair of the county roads and bridges as are conferred upon it by this act, as follows:

(a) To levy road and bridge taxes and to appropriate money for the construction, maintenance and repair of county roads and bridges in the same manner and to the same extent as it may presently do so under the laws of the State;

(b) To borrow money and issue bonds or other evidences of indebtedness, subject to the approval of the State Highway Department, for the purpose of constructing, maintaining and repairing county roads and bridges to the same extent as it may presently do so under the laws of the State;

(c) To determine, subject to the approval of the State Highway Department, the right of eminent domain for the purpose of acquiring right of way for the establishment and changing of county roads and bridges in the manner presently provided by law;

(d) The authority and responsibility of the designation and setting up of betterment projects for roads and bridges in Lauderdale County is hereby vested in the County Commission or the governing body of Lauderdale County. The authority and responsibility for routine maintenance shall remain with the State Highway Director by and through the district engineer for Lauderdale County. No money shall be spent for betterment projects for roads and bridges in Lauderdale County except as authorized by the Lauderdale County Commission as provided herein by resolution duly adopted and spread upon the minutes of meeting of the governing body of Lauderdale County.

(e) On or before the 1st day of September of each year the State Highway Director shall notify the governing body of Lauderdale County in writing as to the estimated amount of money to be available out of the monies available from Lauderdale County's distributive share of the state gasoline revenue for betterment projects for the next ensuing fiscal year. On or before the 1st day of October of each year the governing body of Lauderdale County shall, by resolution duly adopted and spread upon the minutes of the meeting of the Lauderdale County governing body designate by priority the betterment project to be done within the next fiscal year out of the monies available from Lauderdale County's distributive share of the State gasoline tax and from any other sources or funds in the county road and bridge fund or other fund of the county designated for road construction. Upon the adoption of this resolution, said resolution shall be forwarded to the State Highway Director and the district engineer for Lauderdale County and the district engineer shall prepare a map showing each betterment project according to the priority established by the resolution which map shall be returned to the county governing body and shall be posted in a public place in the office of the county governing body or some other public place in the Lauderdale County Courthouse. The State Highway Department shall construct such betterment projects as designated according to the provisions hereof unless said program is changed or amended by additional resolution duly adopted and spread on the minutes of the meeting of the Lauderdale County governing body."

Section 3. Section 5 of Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, is hereby amended, to read as follows:

"Section 5. (a) The State Highway Department shall construct, maintain and repair all the county roads and bridges of Lauderdale County from the funds paid over to it pursuant to Section 4 of this Act and from funds which would otherwise accrue to Lauderdale County for road and bridge work from any source whatsoever.

(b) The State Highway Department, through its Lauderdale County Engineer, or Assistant Engineer, shall meet with the county governing body of Lauderdale County on a quarterly basis at the last regular meeting of the quarter beginning October 1, 1975, or such other times and places as may be agreed upon by the parties, and at such meetings make an up-to-date status report to such county governing body on the progress of the work of the State Highway Department relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County.

(c) The State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report, including revenues accruing to Lauderdale County from funds under Section 4 of this Act and from funds which would otherwise accrue to Lauderdale County for road and bridge work from any source, whatsoever and expenditures made or obligated from said funds, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act."

Section 4. The provisions of this Act are hereby declared to be severable in nature and should any section or other portion thereof be declared unconstitutional or invalid such adjudication shall not affect the portion, or portions, of said Act remaining.

Section 5. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE A BILL TO BE ENTITLED AN ACT To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th., day of June, 1975.

Wallace E. Owen, Jr.,
Notary Public.

Also:

By Mr. Shelby:

S. 859. To amend Section 10 of Act No. 249, S. 291, 1947 Regular Session (Local Acts of Alabama 1947, p. 174) entitled "An Act to provide for the City of Tuscaloosa a Civil Service System governing the appointment, removal, salaries, tenure and official conduct of employees of the City, defining violations of the Act, and imposing penalties for violation," so as to remove the provision requiring applicants for employment to pay the city clerk a \$5.00 fee.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 10 of Act No. 249, S. 291, 1947 Regular Session (Local Acts of Alabama 1947, p. 174) entitled "An Act To provide for the City of Tuscaloosa a Civil Service System governing the appointment, removal, salaries, tenure, and official conduct of employees of the City, defining violations of the Act, and imposing penalties for violations;" so as to remove the provision requiring applicants for employment to pay the city clerk a \$5.00 fee.

Be It Enacted by the Legislature of Alabama:

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Section 1. Section 10 of Act No. 249, S. 291, 1947 Regular Session (Local Acts of Alabama 1947, p. 174) entitled "An Act To provide for the City of Tuscaloosa a Civil Service System governing the appointment, removal, salaries, tenure, and official conduct of employees of the City, defining violations of the Act, and imposing penalties for violations," is hereby amended to read as follows:

"Section 10. Applications for Employment—All applicants for employment by the City shall file their applications in writing with the Board, said applications to be on the blank forms furnished by the board. The board shall control all examinations, and whenever an examination is to take place shall conduct such examination."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 1, May 8, May 15, and May 22, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me, 19____.

LaJUNE BURNETT,
Notary Public.

Also:

By Mr. Shelby:

S. 860. To amend Section 7 of Act No. 357, S. 468, 1949 Regular Session (Acts of 1949, p. 524) entitled "An Act To provide for the government and control by Civil Service regulations of certain employees and classes of employees of Tuscaloosa County, Alabama, and to provide for a Civil Service board in said county and to fix its duties, authority, powers and method of compensation;" so as to eliminate the requirement that an applicant for employment pay a fee of \$5.00.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 7 of Act No. 357, S. 468, 1949 Regular Session (Acts of 1949, p. 524) entitled "An Act To provide for the government

and control by Civil Service regulations of certain employees and classes of employees of Tuscaloosa County, Alabama, and to provide for a Civil Service board in said county and to fix its duties, authority, powers and method of compensation;" so as to eliminate the requirement that an applicant for employment pay a fee of \$5.00.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 357, S. 468, 1949 Regular Session (Acts of 1949, p. 524; entitled "An Act To provide for the government and control by Civil Service regulations of certain employees and classes of employees of Tuscaloosa County, Alabama, and to provide for a Civil Service board in said county and to fix its duties, authority, powers, and method of compensation," is hereby amended to read as follows:

"Section 7. APPLICATIONS FOR EMPLOYMENT.—All persons seeking employment with Tuscaloosa County, Alabama, or who have been recommended for employment by any department head in which said positions of employment are under the supervision of the Civil Service Board of Tuscaloosa County, Alabama, shall file their application with the Civil Service Board of Tuscaloosa County, Alabama, said applications to be on forms furnished by the Board, and all applicants shall be subject to examination, which shall be public, competitive, and open to all citizens of the United States, with specified limitations as to age, residence, health, habits and moral character. Such examinations shall be practical in their character, and shall relate to those matters which will fairly test the relative capacity of the persons examined to intelligently discharge the duties of the position to which they aspire. The Board shall control all examinations, and whenever an examination is to take place shall conduct such examination or arrange for the examination to be conducted by an appropriate person or persons."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF TUSCALOOSA**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 1, May 8, May 15, and May 22, all in the year 1975.

KARL ELEBASH.

Sworn to and subscribed before me, 19_____.

LaJUNE BURNETT,
Notary Public.

Also:

By Mr. Adams:

S. 1109. To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof,

in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

SYNOPSIS: This bill amends the Act creating and establishing the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of all such cases herein above enumerated pending in the court to the Circuit Court of Houston County, Alabama.

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:

"Section 3 (a) Except as provided in subsection (b) of this subsection, the Houston County Court shall have and exercise jurisdiction in all actions, causes, matters, proceedings, and cases, including actions of unlawful detainer and actions for the recovery of possession of land. It shall have authority to punish contempts by fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleadings, procedure and practice, provided such rules and regulations are not contrary to the Constitution and statutes of the State and law-made rules governing the practice and procedure of courts of record.

(b) The Court shall not have felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds two thousand dollars (\$2,000.00) nor take cognizance of any matter, suit or proceeding that is equitable in nature and specifically that pertains or relates to divorce or separate maintenance, domestic relations or the custody of children, juveniles and cases and actions involving juveniles arising under the provisions of Article 3, Chapter 4, Title 34, Code of Alabama (1940) and Chapter 7, Title 13, Code of Alabama (1940) and paternity suits; and all such cases and actions that are pending in the Houston County Court of Houston County, Alabama shall on the effective date of the passage of this amendment be transferred to the Circuit Court of Houston County, Alabama and shall proceed as though begun therein."

Section 2. All provisions and references concerning equitable and juvenile cases, proceedings or matters in Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) are hereby abolished and repealed.

Section 3. Section 11 (c) of Act No. 630, S. B. 537 and Act No. 509 H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:

"Section 11 (c). The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by Section 279 of the Constitution. He may be removed from office for any cause enumerated in Section 173 of the Constitution and in the matter provided by law. No person shall be eligible for office of judge unless he is, at the time of his appointment or election, a qualified elector of Houston County, learned in the law, and has been licensed to practice law in this State. The Judge shall not practice law in any of the courts of this State or of the United States, and he shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in Section 158 of the Constitution."

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF HOUSTON

Before me, the undersigned authority in and for said County in said State, this day, personally appeared D. H. Dolson, who is known to me and who, being by me first duly sworn, deposes and says: That he is Advertising Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: July 16, 23, 30, Aug. 6, in the Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

D. H. DOLSON.

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Sworn to and subscribed before me on this 12th day of August, 1975.

SARAH C. BOYDE,
Notary Public.

My Commission Expires Feb. 8, 1978.

Also:

By Messrs. Little and Torbert:

S. 1057. To permit banks now situated in Chambers County within beats or precinct seven to establish, maintain or operate branch banks and branch offices within limits of beats or precinct seven in said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

County of Chambers County.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To permit banks now or hereafter situated in Chambers County within beats or precincts seven and thirteen to establish, maintain or operate branch banks and branch offices within limits of beats or precincts seven and thirteen in said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank, whether incorporated or unincorporated, within this state, now or hereafter situated in Chambers County, and where the principal place of business of such bank is situated within the limits of beats or precincts seven and thirteen in said County, as such beats are now defined for the purpose of holding elections, shall have the power to establish, maintain, and operate within the limits of beats or precincts seven and thirteen in said county, one or more branches or branch banks, branch offices, branch agencies, additional offices, or branch places of business for the receipt of deposits, payment of checks, lending of money and the conduct of a general banking and trust business, provided that such bank before the establishment of any such branch or branches, shall first secure the written consent thereto of the state superintendent of banks.

Section 2. The provisions of Code of Alabama 1940, Title 5, Section 125, which conflict with this Act are specifically repealed as to the county in which this Act applies, and all other laws, general or local in conflict herewith are also repealed as to such county.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CHAMBERS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mark T. Walls, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Valley Times News, a newspaper of general circulation published in Chambers County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 1, 4, 11, 18, all in the year 1975.

MARK T. WALLS,
Publisher.

Sworn to and subscribed before me August 18, 1975.

BETTY V. SORRELL,

My Commission Expires July 5, 1976.

Also:

By Mr. St. John:

S. 1113. To provide for branch banking in Winston County.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at the Regular 1975 Session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

A BILL
TO BE ENTITLED
AN ACT

To provide for branch banking in Winston County.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank having its principal place of business or a branch bank in Winston County may with the approval of the Superintendent of Banks of the State of Alabama establish, maintain and operate one or more branches for the transaction of the banking business at any place in Winston County.

Section 2. This Act shall be effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WINSTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Don Thrasher, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Northwest Alabamian, a newspaper of general circulation published in Winston County, Alabama, and that the

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attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 19, 26, June 2, 9, all in the year 1975.

DON E. THRASHER.

Sworn to and subscribed before me June 23, 1975.

MILDRED GREGG,
Notary Public.

Also:

By Mr. Jones:

S. 1114. Relating to the City of Montgomery in Montgomery County; to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to the City of Montgomery County; to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks.

Be It Enacted by the Legislature of Alabama:

Section 1. That public street in the City of Montgomery, Montgomery County known as Fieldcrest Drive may not be opened or constructed as a grade level crossing where it intersects the tracks of the Central of Georgia Railway. Said Fieldcrest Drive may only be opened at said intersection with the Central of Georgia Railroad if over or underpasses are provided for both vehicular and pedestrian traffic, said over or underpasses shall be paid for by the City of Montgomery, if constructed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

W. T. Johnson, being sworn, says that he is editor and publisher of The Montgomery Independent, a weekly newspaper of general circulation, printed and published in the City and County of Montgomery, Ala-

bama, and that the attached notice appeared in the issues of May 22, 29, June 5, 12, of The Montgomery Independent.

W. T. JOHNSON.

Sworn to and subscribed before me this the 11th day of August, 1975.

SUSAN WARD JOHNSON.

My commission expires Feb. 3, 1979.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 155 Local Legislation No. 4.
- S. 947 Local Legislation No. 1.
- S. 1096 Local Legislation No. 1.
- S. 1125 Local Legislation No. 1.
- S. 815 Local Legislation No. 1.
- S. 859 Local Legislation No. 1.
- S. 860 Local Legislation No. 1.
- S. 1109 Local Legislation No. 1.
- S. 1057 Local Legislation No. 1.
- S. 1113 Local Legislation No. 1.
- S. 1114 Local Legislation No. 4.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Fine:

S. 218. To amend Section 2 of Act No. 107, S. 156, of the Regular Session of 1947, [now appearing in the Code of Alabama 1940, Recompiled 1958 in Title 13, Section 187 (3)] entitled An Act to authorize circuit judges of judicial circuits composed of one county having but one circuit judge to appoint regular bailiffs and fix their terms of office, so as to raise the amount paid bailiffs to an amount not to exceed six hundred dollars (\$600.00) per month.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

- S. 218 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

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By Messrs. Little and Torbert:

S. 137. Relating to Lee County; to provide that the county commission shall have the power to levy and collect additional privilege license taxes, cigarette taxes and taxes on charges or fees for solid waste disposal; and occupational taxes outside the city limits of any incorporated municipality in said county; and to provide for the disposition of the proceeds of such taxes.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF LEE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Be It Enacted by the Legislature of Alabama:

"Section 1. Subject to any limitation of the Constitution of Alabama or of any general law of this state, the Lee County Commission shall have the power to levy and collect additional privilege license taxes, excise taxes, alcoholic beverage taxes, and sales and use taxes. The revenue from any of the taxes authorized above shall be deposited into the county treasury be used in the manner prescribed by the county commission.

"Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

"Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

"Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LEE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Millard B. Grimes, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Opelika-Auburn Daily News, a newspaper of general circulation published in Lee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on April 17, 25, May 2, 5, all in the year 1975.

MILLARD B. GRIMES,
Publisher.

Sworn to and subscribed before me May 5, 1975.

DOROTHY W. MITCHELL.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 137 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Stewart:

S. 1173. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Also:

By Mr. Roberts:

S. 1174. To amend Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature to provide that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

Also:

By Mr. Fine:

S. 1176. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

Also:

By Mr. Perry:

S. 1178. To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF BARBOUR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries of the Town of Blue Springs, so as to include within the corporate limits thereof certain additional territory in portions of Section 13, 14, 23, and 24, Township 8 North, Range 25 East, Barbour County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the Town of Blue Springs, in Barbour County, Alabama, be and the same are hereby altered, rearranged and extended so as to include within the corporate limits of said town certain additional territory lying within the following described boundaries, to-wit:

Commence at the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East and thence run due East along the quarter section lines for a distance of 6600 feet to the Northeast corner of the Southeast Quarter of Northeast Quarter, Section 13, Township 8 North, Range 25 East; thence run due South along the Eastern boundary of Range 25 a distance of 7920 feet to the Southeast corner of the Northeast Quarter of Southeast Quarter, Section 24, Township 8 North, Range 25 East; thence run due West along the quarter section lines for a distance of 6600 feet to the Southwest corner of the Northeast Quarter of the Southeast Quarter, Section 23, Township 8 North, Range 25 East; and thence run due North along the quarter section lines for a distance of 7920 feet to the point of beginning, being the Northwest corner of the Southeast Quarter of Northeast Quarter, Section 14, Township 8 North, Range 25 East.

Section 2. That this Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BARBOUR

Before me, Rebecca Kelly, a Notary Public in and for said County and state, personally appeared Mrs. Bertie G. Parish, who being duly sworn, deposes and says on oath, that she is the Publisher of The Clayton Record, a newspaper published weekly in the Town of Clayton, Barbour County, Alabama, and that the attached notice extension of Blue Springs city limits was published in said newspaper 4 consecutive times. The same appearing in the issues dated July 24, 31; Aug. 7, 14, 1975.

MRS. BERTIE G. PARISH,
Publisher of The Clayton Record.

Sworn to and subscribed before me this the 5th day of September, 1975.

REBECCA KELLY.

Also:

By Mr. McDonald (S):

S. 1190. To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor

more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

Notice for Act Repeal:

To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
COUNTY OF MARSHALL

Before the undersigned authority personally appeared Mary Ann Moore, who, first being duly sworn deposes and says that she is the president of The Monitor News Leader, a newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated August 2, 9, 16, 23, 1971, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$ which affiant claims is cost in said cause above named.

MARY ANN MORE.

Sworn to and subscribed to before me this 8th day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

By Mr. McDonald (S):

S. 1215. Relating to Marshall County; providing for the compensation of the register of the circuit court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

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32nd Day

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A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing for the compensation of the register of the circuit court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the register of the circuit court shall receive an annual salary of ten thousand dollars (\$10,000) to be paid in equal monthly installments from the general funds of the county treasury.

Section 2. This Act shall become effective on October 1, 1975.

Legal Notice—Act relating to Salary of Register of the Circuit Court.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Glean, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues or said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1216. To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay

allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1337, H. B. 2154, Regular Session 1971, (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

Legal Notice—Act to repeal Act No. 1377, H. B. 2154, regular session 1971, relating to amount of sick leave with pay for school bus drivers.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH.
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1217. Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any school bus driver who is regularly employed on a salary basis by the county board of education or a city board of education shall be entitled to receive sick leave with pay,

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not to exceed seven days in any one calendar year upon proof of incapacitating sickness or injury as evidenced by a doctor's certificate to that effect. If at the end of each calendar year, said school bus driver has not used all of the allowed seven days sick leave, he shall be entitled to one day's pay for each day he has not used.

Section 2. This Act shall become effective on October 1, 1975.

Legal Notice—Act relating to amount of sick leave allowing school bus drivers.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Glean, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1218. To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Legal Notice—Act to repeal Act No. 1355, H. B. 2172, regular session 1971, relating to feeding prisoners in jail.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1219. To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA MARSHALL COUNTY

Notice is hereby given that a bill substantially as follows, will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 2132, H. B. 2578, Regular Session, 1971, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set

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salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act," is hereby expressly repealed.

Section 2. This Act shall become effective October 1, 1975.

Legal Notice—Act to repeal Act No. 2132, H. B. 2578, Regular Session 1971, relating to the number of sheriff's deputies & salaries, etc.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August. 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1220. To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

COUNTY OF MARSHALL
STATE OF ALABAMA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary," is hereby expressly repealed.

Section 2. This Act shall take effect on October 1, 1975.

Legal Notice—Act to repeal Act No. 204, H. B. 883, Regular Session 1973, relating to the Sheriff's Office.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Glean, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1221. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the

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allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the chief deputy sheriff, the sheriff of Marshall County may appoint twelve deputies, two jailers, one office deputy, two clerks, and one matron, whose compensation shall be payable by the county. The compensation of the chief deputy shall be a salary of not less than \$650 nor more than \$700 per month, and such salaries shall be in lieu of any other compensation authorized by law. The twelve deputies shall each be paid a salary of not less than \$500 nor more than \$600 per month, the monthly salary to be determined by the sheriff. The office deputy shall be paid a salary of not less than \$500 nor more than \$600 a month. The matron shall be paid a salary of not less than \$400 a month and the two jailers shall each be paid a salary of not less than \$400 a month. The jailers and the clerks, who shall perform clerical duties in the office of the sheriff, shall be employed only on the approval of the county governing body and their salaries shall be fixed by the county governing body. The compensation of the deputies, office deputy, jailers and matron shall be preferred claims against the general funds of the county, and shall be paid on warrants drawn in the manner prescribed by law.

Section 2. The sheriff of Marshall County shall be entitled to receive the allowance provided for by Code of Alabama 1940, Title 45, Sections 144 and 145, as amended, for the feeding of prisoners in the county jail, and for preparing and serving such food. On or before the tenth day of each month the sheriff of said county shall furnish to the governing body of the county, and to the State Department of Finance and to the State Department of Corrections, an itemized statement, verified by name, race and sex, the offense charged, authority for committing, disposition of prisoner, if sentenced, date sentenced, date discharged, the number of days in jail. The sheriff shall also set out the amount of money actually expended for purchasing and supplying of all foodstuff for feeding prisoners during the month immediately preceding.

Section 3. Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206) and all other laws or parts of laws, general, local or special, in conflict with this act are hereby repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1975.

Legal Notice—Act relating to the office of Sheriff of Marshall County, fixing compensation of the Sheriff's deputies & other employees.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Glean, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1222. To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Legal Notice—Act pertaining to population of County & fixing fee for pistol permits by the Sheriff.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Glean, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

REGULAR SESSION
32nd Day

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Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1223. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the fee for issuance of a permit to carry a pistol concealed on or about the person or in a vehicle as provided by the Code of Alabama 1940, Title 14, Section 177, shall be five dollars (\$5.00), which shall be collected by the sheriff of said county.

Section 2. Any and all monies collected as provided above shall be deposited in any bank within the county into a fund known as the sheriff's fund. Said fund shall be drawn upon by the sheriff of the county or his duly appointed agent and shall be used exclusively for law enforcement purposes and in the discharge of the duties of the sheriff's office as he sees fit. The establishment of the sheriff's fund as provided in this act, and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the sheriff or for the operation of his office. All funds heretofore obtained from pistol permit fees and credited to any special fund or account in the county treasury under authority of any local or general law shall be returned to the sheriff of such county to be deposited and disbursed as provided above.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Legal Notice—Act pertaining to fee for pistol permit in Marshall County.

Before the undersigned authority personally appeared Porter Harvey, who, being first duly sworn, deposes and says that he is a representative of the Guntersville Advertiser-Gleam, a newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21, respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1224. To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowance now provided for such officer."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

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32nd Day

3301

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, Aug. 7, 14, 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires March 8, 1977.

Also:

By Mr. McDonald (S):

S. 1225. Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the county board of education shall provide the county superintendent of education an annual expense allowance of \$2,400 for expenses incurred while executing his duties within said county. Such expense allowance shall be in addition to any and all other salary, compensation or allowances now provided for such officer; further, said superintendent shall be reimbursed for actual expenses while traveling out of said county in the execution of his duties. Said allowance shall be paid by the county board of education out of any educational funds available.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

Also:

By Mr. McDonald (S):

S. 1226. To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

Also:

By Mr. McDonald (S):

S. 1227. To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

Also:

By Mr. McDonald (S):

S. 1228. To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1357, H. B. 2174, Regular Session 1971, (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said coun-

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ties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

Also:

By Mr. McDonald (S):

S. 1229. Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is hereby authorized to appropriate and expend county funds for the purpose of providing contributions for use in the purchase of needed equipment by any organized and established non-profit, volunteer rescue squad operating within the county; provided, that not more than \$2,500 shall be so appropriated or expended in any one fiscal year. After the county governing body shall have duly adopted and recorded in its minutes a

resolution to make such contributions, payments shall be made from any funds in the county treasury not otherwise appropriated upon the warrant of the chairman of the county governing body.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, August 14, and August 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires 3-8-77.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1173. Local Legislation No. 1.
- S. 1174. Local Legislation No. 3.
- S. 1176. Local Legislation No. 1.
- S. 1178. Local Legislation No. 1.
- S. 1190. Local Legislation No. 1.
- S. 1215. Local Legislation No. 1.
- S. 1216. Local Legislation No. 1.
- S. 1217. Local Legislation No. 1.
- S. 1218. Local Legislation No. 1.
- S. 1219. Local Legislation No. 1.
- S. 1220. Local Legislation No. 1.
- S. 1221. Local Legislation No. 1.
- S. 1222. Local Legislation No. 1.
- S. 1223. Local Legislation No. 1.
- S. 1224. Local Legislation No. 1.
- S. 1225. Local Legislation No. 1.
- S. 1226. Local Legislation No. 1.
- S. 1227. Local Legislation No. 1.
- S. 1228. Local Legislation No. 1.
- S. 1229. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Fine:

S. 1184. Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

Also:

By Mr. Perry:

S. 1240. Relating to all counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to abolish all supernumerary offices and positions in such counties and to repeal all conflicting statutes.

Also:

By Mr. McDonald (S):

S. 1230. To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472) entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, Aug. 7, 14, 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires March 8, 1977.

Also:

By Mr. McDonald (S):

S. 1231. To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an elec-

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tion the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, 14, 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires March 8, 1977.

Also:

By Mr. McDonald (S):

S. 1232. Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Marshall County shall provide voting machines for all elections, and shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting place at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting place designated for said territory. Except as otherwise provided in Section 110 of Title 17 Code of Alabama 1940 as amended, paper ballots shall not be used in elections at any voting place.

Section 2. No elector shall vote at any voting place other than the voting place of which he is a qualified elector, but any elector whose name appears on the qualified voter's list at a voting place may vote on any voting machine maintained at such voting place, upon presentation of the identification card issued to him by an election officer serving at such voting place and upon signing the poll list maintained at the voting machine at which he proposes to vote. The voting machine at any such voting place shall be numbered consecutively beginning with number 1, and each machine shall display a card indicating the number of that machine. The numbers on such cards shall be clearly visible from the registration table.

Section 3. (a) Subject to the provisions of subsection (b) the Judge of Probate of Marshall County shall designate one voting place in each precinct within the county, or in the equivalent electoral division by whatever name subsequently known, within the county. There shall be only one voting place in each incorporated municipality. The order so designating voting places shall state the location of the voting place within the electoral division for which said voting place is designated. A copy of said order shall be posted at the door of each courthouse.

(b) Except as herein expressly provided, in designating voting places and consolidation of voting places, the county governing body of Marshall County shall be subject to all other laws applicable to the governing body of a county regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of Article 6, Chapter 1, Title 17, Code of Alabama 1940 as amended.

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Section 4. A custodian of voting machines shall be appointed by a committee composed of the Judge of Probate who shall be the Chairman, the Circuit Judge who is senior in office, the Tax Collector, the Sheriff, and the County Judge. Such custodian of voting machines shall have attended a recognized school that teaches the operation and handling of voting machines, or in lieu thereof must have had at least three years experience in the operation and handling of voting machines. The custodian shall be responsible for performing all duties as set out in Section 115 of Title 17, Code of Alabama 1940 as amended. The custodian of voting machines shall receive a salary not to exceed \$5,000 per annum payable in equal monthly installments and before entering upon his duties shall be bonded in the sum of \$10,000 for the faithful performance of his duties as are other public officials.

Section 5. Any candidate in an election shall have the right to designate one representative to be present at each polling place, and such representative shall have the right to observe the conduct of the election as a watcher at such polling place as provided by law, but shall also have the right to observe and be present at the opening of each voting machine when the totals of such machines are tabulated by the election officials. Such representatives shall be appointed as provided by law.

Section 6. Any candidate in an election shall have the right to make demand in writing to the body which, under the general provisions of law, now have charge of and control over ballot boxes, for an order to break the seals of voting machines for the purpose of recanvassing the vote should same become necessary, whereupon all other articles in the "Act to regulate and control primary elections for the nomination by political parties of candidates for public office" and in the "Election Code" shall be followed in making such recanvass and the machine shall be resealed as therein provided. Such demand in writing shall be made not later than ten days subsequent to such election.

Section 7. All general, local, or special laws, or parts of such laws, which conflict with this Act are hereby repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, 14, 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires March 8, 1977.

Also:

By Mr. McDonald (S):

S. 1233. To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled, "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation," is hereby expressly repealed.

Section 2. This Act becomes effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwin H. Reid, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of The Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive

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weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 31, August 7, 14, 21, all in the year 1975.

EDWIN H. REID.

Sworn to and subscribed before me August 28, 1975.

DIANN POWELL,
Notary Public.

My Commission Expires March 8, 1977.

Also:

By Mr. McDonald (S):

S. 1234. To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

With notice and proof thereto attached and herewith exhibited as follows:

Notice given for introduction of bill.

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama.

A BILL
TO BE ENTITLED
AN ACT

To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

Be It Enacted by the Legislature of Alabama:

Section 1. The sheriff of Marshall County is hereby authorized to expend up to two hundred dollars (200) per week, not to exceed one thousand dollars (1000) per month, without the approval of the county commission, for essential department expenses. Provided, however, the sheriff shall make affidavit stating that such expenditure was essential to his ability to carry out the duties of his office and shall attach a copy of the purchase order or other like evidence of the expenditure to this affidavit.

Section 2. Any expenditure authorized under the provisions of Section 1 of this act shall not be affected by the provisions of the competitive bid law, Act No. 217, Extraordinary Session of the Legislature of 1967—now appearing in Code of Alabama Recompiled 1958, Title 55, Chapter 22, Sections 506-517.

Section 3. This Act shall become effective October 1, 1975.

STATE OF ALABAMA
COUNTY OF MARSHALL

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above

captioned cause in said newspaper for 4 successive issues of said paper, published in the issues of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL,
Notary Public.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1235. Relating to Marshall County; fixing the compensation of the Judge of the County Court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of the County Court of Marshall County shall be entitled to a salary of Eighteen Thousand Dollars (\$18,000) per annum payable from the general funds of the county in equal installments.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before me, a Notary Public, in and for said State and County personally appeared the undersigned, Pat M. Courington, Sr., who being first duly sworn according to law, desposes and says that he is the Publisher of the Sand Mountain Reporter, a newspaper of general circulation, published at Albertville, in Marshall County, Alabama; that the attached notice, which is a part of the affidavit, was published in the issues of said newspaper, August 16, 1975, August 23, 1975, August 30, 1975, September 6, 1975.

PAT M. COURINGTON, SR.,
Publisher.

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Sworn to and subscribed before me this the 15 day of September, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1236. To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

With notice and proof thereto attached and herewith exhibited as follows:

PROPOSED LEGISLATION

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Section 1. In addition to present compensation, each of the Court reporters of the 27th Judicial Circuit shall receive an additional \$3600.00 per year for their regular services, said compensation to be paid by the Marshall County Commission in twelve equal monthly installments in the same form and manner as other compensation or salary is presently paid to said Court Reporters.

Section 2. This Act shall become effective upon its passage and approval by the governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Porter Harvey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Advertiser-Glean, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 4, Sept. 11, and Sept. 15, all in the year 1975.

PORTER HARVEY.

Sworn to and subscribed before me Sept. 15, 1975.

JOHNNIE COUCH,
Bookkeeper.

Also:

By Mr. Edwards:

S. 1185. To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 15 and 21 of Act No. 324, H. 784, Regular Session of 1965 (Acts Regular Session 1965, p. 443), which establishes a merit system for the City of Decatur, are hereby amended to read as follows:

Section 15. Absences; Hours of Work. Rules shall be adopted in the manner hereinbefore provided prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover such matters as vacation, holidays, sick leaves, leaves for military service, and leaves granted so that the employee can seek election to public office in Morgan County.

"Section 21. Political Activities Prohibited. No person holding a position in the classified service shall seek or attempt to use any political endorsement in connection with any appointment to a position in the classified service. No person holding a position in the classified service shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position in the classified service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration. No employee holding a position in the classified service shall, directly or indirectly, pay or promise to pay any assessment, subscription, or contribution for any political organization or purpose, or solicit or take any part in soliciting any such assessment, subscription, or contribution. No

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person shall solicit any such assessment, subscription, or contribution of an employee holding a position in the classified service. No employee holding a position in the classified service shall be a candidate for nomination or election to any public office in Morgan County or shall take any part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote, unless on authorized leave of absence for such purpose. Any person holding a position in the classified service who violates any provision of this section may be disciplined by dismissal, suspension without pay, or demotion as provided in Section 17 of this act. In addition, any person, including but not limited to persons holding a position in the classified service (irrespective of whether or not such persons holding a position in the classified service have or have not theretofore been disciplined therefor as hereinbefore provided) who wilfully violates any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided by Section 327 of Title 15 of the Code of Alabama of 1940."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the time herein mentioned she was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 25, Sept. 1, Sept. 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,
Notary Public.

Also:

By Mr. Edwards:

S. 1189. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MORGAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the Town of Flint in Morgan County are hereby altered, rearranged and extended so as to include within the corporate limits of the town, in addition to the area now embraced within the corporate limits of the town, the following described property.

Tract 1: All that part of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 17, Township 6 South, Range 4 West and the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$; SE $\frac{1}{4}$ of the NE $\frac{1}{4}$; NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, Section 20, Township 6 South, Range 4 West; lying East of U. S. Highway No. 31.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Lucy L. Ferguson, who, being by me first duly sworn, deposes and says that during the time herein mentioned she was Accounting Supervisor of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 27, Sept. 1, Sept. 8, and Sept. 15, all in the year 1975.

LUCY L. FERGUSON.

Sworn to and subscribed before me September 15, 1975.

ELIZABETH D. SANDLIN,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1184. Local Legislation No. 1.
- S. 1240. Local Legislation No. 1.
- S. 1230. Local Legislation No. 1.
- S. 1231. Local Legislation No. 1.
- S. 1232. Local Legislation No. 1.
- S. 1233. Local Legislation No. 1.
- S. 1234. Local Legislation No. 1.
- S. 1235. Local Legislation No. 1.
- S. 1236. Local Legislation No. 1.
- S. 1185. Local Legislation No. 1.
- S. 1189. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald (S):

S. 1200. Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE GIVEN FOR INTRODUCTION OF BILL

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County.

Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County shall provide the following enumerated allowances for the purposes of hiring clerks and assistances as follows:

Office of the tax assessor: a maximum of \$13,050 annually; any other expense allowances, salaries and compensation heretofore provided for them by law; and the circuit clerk shall receive an annual expense allowance of \$3,600 a year, which shall be in lieu of any and all travel and other expense allowances heretofore payable to the clerk. The expense allowances hereby authorized shall be paid in equal monthly installments out of the general fund in the county treasury.

Office of the Marshall County Commission: a maximum of \$15,000 annually;

Office of the register of the circuit court: a maximum of \$9,200 annually.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the presi-

dent of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issues of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice of copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$_____ which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1201. To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of not the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 or more than 55,000 based on the last federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County Alabama,

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and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 2, Aug. 9, Aug. 16, and Aug. 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1202. To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama, and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by

me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1203. Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, when the register of the circuit court of the county serves ex officio as register of the county court, such register shall be entitled, in addition to his compensation as register of the circuit court, to \$1,200 per annum, payable out of the general funds of the county in the same manner as the salaries of other county officers.

Section 2. This Act is cumulative and shall not be construed to repeal or supercede any laws not inconsistent herewith.

Section 3. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a

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week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1204. To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most recent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama,

said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1205. Relating to Marshall County; providing additional compensation for the court reporter of the county court.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County, the court reporter of the county court shall be paid, in addition to any compensation heretofore provided by law, an amount of not less than \$200.00 per month nor more than \$275.00 per month as annual salary to be set by the judge of said court and paid from the general funds of the county. The services of said reporter, when not actually working under the direction of the judge of said court, shall be available to the circuit clerk in the discharge of his duties in this court.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a

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week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1206. To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act. No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800) entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances for the chairman and members of the county governing body."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800) entitled, "An Act Relating to all counties having a population of not more than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama,

said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1207. Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County the chairman and members of the board of revenue, court of county commissioners, commission on government and finance or other like county governing bodies shall each be entitled to receive in addition to their salaries an expense allowance as follows: for the chairman \$3,000.00 per year; for the members an expense allowance of \$2,400.00 per year. Such expense allowance shall be in addition to all authorized reimbursements for actual expenses for travel on official business outside the county, and in addition to any pick-up trucks or low cost passenger cars otherwise provided by law for the use of such members in carrying out their duties of office. Such proportionate part of the expense allowance provided herein as is commensurate with the expenses incurred or time consumed in the discharge of duties respecting roads and bridges shall be paid out of the gasoline tax fund of the county and the remainder shall be paid out of the general fund of the county, as provided in Code of Alabama 1940, Title 12, Section 28, as amended.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective on October 1, 1975.

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PROOF OF PUBLICATION

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1208. To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To repeal Act. No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1209. To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge," is hereby expressly repealed.

Section 2. This act shall take effect on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by

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me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1210. To repeal Act No. 277, S. B. 171, Third Special Session 1971; (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act. No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF MARSHALL

Before me, the undersigned authority in and for said County in said State, this day personally appeared Pat M. Courington, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Sand Mountain Reporter, a news-

paper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1975.

PAT M. COURINGTON.

Sworn to and subscribed before me September 11, 1975.

PATRICIA DIANN SMITH,
Notary Public.

Also:

By Mr. McDonald (S):

S. 1211. Relating to Marshall County; providing an additional expense allowance for the probate judge.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; providing an additional expense allowance for the probate judge.

Be It Enacted by the Legislature of Alabama:

Section 1. The probate judge of Marshall County shall be paid an expense allowance of \$5,400 per annum out of the general funds in the county treasury. This expense allowance shall be in addition to any and all other expense allowances, compensation, and salary provided said judge by law.

Section 2. The judge of probate of Marshall County shall also be allowed an additional sum, not exceeding \$2,000 a year, to be used only for the purpose of paying clerks employed in the probate office. This allowance shall be paid in equal monthly installments from the general funds of the county as the amount of salaries of clerks in the probate office may require.

Section 3. This act shall become effective on October 1, 1975.

Legal Notice—Act. providing additional expense allowance for the Probate Judge of Marshall County.

Before the undersigned authority personally appeared Porter Harvey, who being first duly sworn deposes and says that he is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31,

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Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

**JOHNNIE COUCH,
Notary Public.**

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1212. To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

Legal Notice—Act to repeal Act No. 1640, H. B. 2387, regular session 1971, regarding additional supplemental salary to Circuit Judges.

Before the undersigned authority personally appeared Porter Harvey, who being first duly sworn deposes and says that he is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

Also:

By Mr. McDonald (S):

S. 1213. Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of Marshall County is hereby authorized, empowered and directed to pay to the circuit judges of the judicial circuit having jurisdiction in said county, the sum of eighteen hundred dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county. Such sum shall be in addition to any and all other salary, compensation and expense allowances being paid to said judges by said county.

Section 2. This act shall become effective on October 1, 1975.

Legal Notice—Act. providing a supplemental salary to the Circuit Judges of the Judicial Circuit in Marshall County.

Before the undersigned authority personally appeared Porter Harvey, who being first duly sworn deposes and says that he is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

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Also:

By Mr. McDonald (S):

S. 1214. To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1637, H. B. 2384, Regular Session 1971, (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

Legal Notice—Act to repeal Act. No. 1637, H. B. 2384 regular session 1971 to provide for the compensation of the Register of the Circuit Court.

Before the undersigned authority personally appeared Porter Harvey, who being first duly sworn deposes and says that he is a representative of the GUNTERSVILLE ADVERTISER-GLEAM, a Newspaper published semi-weekly in the City of Guntersville, Marshall County, Alabama; that the notice attached below has been published in said newspaper for four successive weeks in the issue or issues of said paper dated July 31, Aug. 7, 14, 21 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit.

PORTER HARVEY.

Subscribed and sworn to before me this 22nd day of August, 1975.

JOHNNIE COUCH,
Notary Public.

My Commission expires Sept. 11, 1977.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1200. Local Legislation No. 1.
- S. 1201. Local Legislation No. 1.
- S. 1202. Local Legislation No. 1.
- S. 1203. Local Legislation No. 1.
- S. 1204. Local Legislation No. 1.
- S. 1205. Local Legislation No. 1.
- S. 1206. Local Legislation No. 1.
- S. 1207. Local Legislation No. 1.
- S. 1208. Local Legislation No. 1.
- S. 1209. Local Legislation No. 1.
- S. 1210. Local Legislation No. 1.
- S. 1211. Local Legislation No. 1.
- S. 1212. Local Legislation No. 1.
- S. 1213. Local Legislation No. 1.
- S. 1214. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. McDonald (S):

S. 1191. Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE IN RELATION TO SAVINGS, LOAN ASSOC.

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Be It Enacted by the Legislature of Alabama:

Section 1. The directors or other governing authority of any savings and loan association located within Marshall County, whether such association be chartered under an act of congress or state law, are hereby authorized and empowered to open, establish, operate and maintain a branch office or offices anywhere within such county, and may engage in

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such business at such branch office or offices as said association is permitted to do by its charter or bylaws.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1192. To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

With notice and proof thereto attached and herewith exhibited as follows:

BILL SLATED FOR INTRODUCTION

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial.

Office of the tax collector: a maximum of \$12,400 annually.

Office of the circuit clerk: a maximum of \$22,200 annually.

provided that in addition to the above clerk-hire allowances: the tax assessor and the tax collector shall each be allowed \$1,800 a year as expenses, which shall be in addition to.

Section 1. Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

**STATE OF ALABAMA
MARSHALL COUNTY**

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper later 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1193. Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE FOR PERSONS IN BAIL BOND BUSINESS

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Be It Enacted by the Legislature of Alabama:

Section 1. In Marshall County any person, whose net worth is more than \$25,000 who wishes to become a professional Bail Bondsman may

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do so in the manner hereinafter prescribed. He shall file a list of his assets and liabilities with the sheriff of the county and request a certificate from the sheriff stating his net worth. Upon presenting the certificate of the sheriff, showing the person's net worth is over \$25,000 and the payment of a license fee of \$75.50 to the probate judge of the county such person shall be issued to him a professional Bail Bondsman's license. The above fee shall be distributed as follows: \$50.00 of each such bondsman's license fee shall be paid to the general fund of the State of Alabama; \$25.00 of such fees shall be paid into the general fund of Marshall County; and the probate judge shall be entitled to the remaining 50 cents for an issuance fee.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1194. To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof:

Be It Enacted by the Legislature of Alabama:

Section 1. Act no. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof, are hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1195. To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than

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55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE GIVEN FOR INTRODUCTION OF BILL

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$_____ which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1196. Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

With notice and proof thereto attached and herewith exhibited as follows:

BILL INTRODUCED TO EXPEND OFFICE FUNDS

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. The county governing body of Marshall County is authorized to expend funds from the general fund of the county to provide office space, equipment, supplies and clerical assistance for the board of registrars.

Section 3. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws not inconsistent herewith.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$ which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1197. To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

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With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF BILL GIVEN

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and application will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies," is hereby expressly repealed.

Section 2. This Act shall become effective on October 1, 1975.

**STATE OF ALABAMA
MARSHALL COUNTY**

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$ which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1198. Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting

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days each year and providing further for an expense allowance for the members of said bodies.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE ON BILL FOR BOARD OF REGISTRARS

**STATE OF ALABAMA
COUNTY OF MARSHALL**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Be It Enacted by the Legislature of Alabama:

Section 1. The jury commission and board of registrars of Marshall County shall be allowed ten (10) extra authorized meeting days each year that shall be used whenever said bodies deem necessary. Each member and clerk of said bodies shall be entitled to an expense allowance of five dollars (\$5.00) per day for each day he performs the duties of his office which shall be in addition to any and all other expense allowances and compensation they are now receiving.

Section 2. This Act shall become effective on October 1, 1975.

**STATE OF ALABAMA
MARSHALL COUNTY**

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

Also:

By Mr. McDonald (S):

S. 1199. To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last fed-

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eral decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE GIVEN TO REPEAL ACT

STATE OF ALABAMA
COUNTY OF MARSHALL

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws," is hereby expressly repealed.

Section 2. This act shall become effective on October 1, 1975.

STATE OF ALABAMA
MARSHALL COUNTY

Before the undersigned authority personally appeared Mary Ann Moore who first being duly sworn deposes and says that she is the president of THE MONITOR NEWS LEADER, a Newspaper published in Marshall County, Alabama; that she has published the notice in the above captioned cause in said newspaper for 4 successive issues of said paper, published in the issue of said paper dated 8/2, 9, 16, 23/75 respectively, of which said notice a copy of the same being hereto attached and made a part of this affidavit, being marked Exhibit "A", that the charge for such publication is \$..... which affiant claims is cost in said cause above named.

MARY ANN MOORE.

Sworn to and subscribed to before me this 8 day of September, 1975.

JOYCE W. DANIEL.

My Commission Expires 1-5-77.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1191. Local Legislation No. 1.
- S. 1192. Local Legislation No. 1.
- S. 1193. Local Legislation No. 1.
- S. 1194. Local Legislation No. 1.

- S. 1195. Local Legislation No. 1.
- S. 1196. Local Legislation No. 1.
- S. 1197. Local Legislation No. 1.
- S. 1198. Local Legislation No. 1.
- S. 1199. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 133. CREATING THE HISTORIC RESOURCES ADAPTORS COUNCIL.

WHEREAS Alabama's abundant industrial, professional and commercial historic landmarks reflect significant national achievements in manufacturing, commerce, science, invention and technology; and

WHEREAS historic buildings adapted and used as offices, classrooms, libraries and laboratories favorably reflect the outstanding accomplishments of Alabama physicians, attorneys, scientists, engineers, and educators; and

WHEREAS too many of these evidences of Alabama's educational, professional, commercial and industrial heritage have been demolished or have eroded with the passing of time, urban upheaval, suburban sprawl, and change; and

WHEREAS a growing number of merchants, shopkeepers, bankers, professional and service concerns are adapting mansions and cottages for viable present day market place and official use, with restored extensions which appeal to tourists and contribute to the economy; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama legislature hereby creates the Historic Resources Adaptors Council, which, in cooperation with the Alabama Historical Commission, shall develop a program adapting, renovating and rehabilitating both residential and commercial landmarks with architectural and historic appeal.

The Lieutenant Governor shall appoint three members from state at large, and the Speaker of the House of Representatives shall appoint two members from state at large from a list of nominees submitted by the Alabama Historical Commission to consist of affiliates who "work, serve or sell" in historic landmarks. The Alabama Historical Commission shall appoint two members from state at large; and the executive director of the Alabama Historical Commission, or his staff designee shall serve as an ex-officio member. The members of the Council shall consist of a representative of the Alabama State Chamber of Commerce, Alabama Bar Association, Association of Industries of Alabama, Alabama Retail Merchants Association, Medical Association of Alabama, Alabama Bankers Association, Alabama Education Association, Alabama League of Municipalities, and Central Alabama Regional Preservation Council.

Members will serve terms of four (4) years each and shall serve without compensation and will meet no more than three times a year, one of which shall be in conjunction with the Annual Meeting of the Alabama Historical Commission.

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The Historic Resource Adaptors Council is charged also, in cooperation with the Alabama Historical Commission, with the duty of organizing local, regional and area councils which will promote and encourage Alabamians to adapt, renovate, and rehabilitate industrial, professional and commercial historic landmarks.

McDOWELL LEE,
Secretary.

The resolution, S. J. R. 133, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 131. COMMENDING DEAN PIERCE FOR 20 YEARS AS DEAN OF EDUCATION AT AUBURN.

McDOWELL LEE,
Secretary.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 131, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Little:

S. J. R. 132. DESIGNATING THE ENGINEERING EXPERIMENT STATION AT AUBURN UNIVERSITY THE ALABAMA PRODUCTIVITY CENTER.

WHEREAS, the decline in the rate of productivity in the United States has contributed to inflation and adversely affected the competitive position of the United States in world markets; and

WHEREAS, this Body recognizes that a high rate of productivity is essential to a stable, sound economy capable of providing for the general welfare, health and happiness of all Alabamians; and

WHEREAS, there is a need to increase employment within the State and efforts should be made to enhance the competitive position of existing Alabama industry relative to that of the region and the nation by finding ways to improve the productivity of Alabama industry at a faster rate than the growth of the regional and national industrial base; and

WHEREAS, this Body recognizes the role of technology in efforts to improve productivity and the need for a designated group within State Government to coordinate federally funded programs for improving productivity; and

WHEREAS, the activities conducted under present Engineering Experiment Station programs are recognized as helping to meet needs and should be expanded to meet the increasing need for productivity improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Engineering Experiment Station at Auburn University is hereby designated the "Alabama Productivity Center" and to provide that this center shall administer research and development projects directed to improving productivity in the industrial, service and government sectors.

BE IT FURTHER RESOLVED, That the Alabama Productivity Center shall:

(a) promote efforts which will stimulate the adoption of new methods and technology in all sectors of the economy;

(b) establish a State policy which will encourage productivity consistent with economic needs and the needs to protect the environment and the work force;

(c) perform research and development projects in conjunction with those of the National Commission on Productivity and Work Quality and other Federal agencies;

(d) review productivity growth in the public and private sectors and make recommendations to the State for improving productivity growth.

BE IT FURTHER RESOLVED That an advisory council made up of representatives from industry and government shall be appointed by the Governor to provide guidance for the center and to act as liaison between the center and the various sectors of the Alabama production base.

McDOWELL LEE,
Secretary.

The resolution, S. J. R. 132, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

And the bill:

H. 1430. To provide for creating in every county of the state having a population of 600,000 or more, according to the last or any subsequent federal census, service districts wherein one or more services, facilities and functions described in this Act may be financed, provided or maintained in addition to, or to a greater extent than, such services, facilities and functions are provided or maintained for the entire county; to provide that such services, facilities and functions which may be provided or maintained in such service districts, as aforesaid, shall include the following services, facilities and functions: (1) fire control, prevention and protection; (2) water supply and water distribution systems; (3) sewage collection and disposal systems; (4) solid waste collection and disposal systems; (5) storm sewers; (6) incinerators; (7) recreation facilities; (8) street lighting; (9) police protection; and (10) such other services, facilities and functions as the electors of a service district approve at an election; to provide what territory of the county may be included in such service districts; to provide the procedure for creating such service districts; to provide for the levying of service charges to finance providing and maintaining such services; to provide that the governing body of the county, after a public hearing on the creation of a proposed district may adopt a resolution requesting the probate judge of the county to call an election in the proposed service district on the question of whether such proposed district shall be created; to provide that any such resolution requesting that such election be called shall state the proposed service charge which the governing body of the county shall

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be authorized to levy if the proposed service district is created; to provide that upon any service district being created at an election then the county governing body shall be authorized to levy the service charge provided for in the election resolution; to provide that such service charges shall be the obligation of the persons to whom such services are furnished or are made available; to provide that the governing body of the county may reduce such service charges; to provide that no service charge shall be increased and that no additional service charge shall be levied unless such increase or such additional service charge has been first approved at an election held in the district; to provide that a service charge may be increased and that an additional service charge may be levied if such increase or such additional service charge has been approved at an election in the district; to provide for the expansion of districts; to authorize the county and any municipality, fire district, garbage district, fire and garbage district, or any other public corporation in the county, to enter into agreements providing for cooperation between the county and such other public corporations in furnishing services provided for by this Act; to provide that this Act shall be cumulative and not restrictive of the powers the laws otherwise confer upon the governing body of any such county.

Having been postponed on the thirty-first legislative day, was taken up.

H. 1430 POSTPONED

On motion of Mr. White, the bill, H. 1430, was postponed to the thirty-third legislative day.

And the bill:

H. 1697. Relating to counties having populations of not less than 57,000, nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for and prescribing the manner of abating and of reinstating the enforcement in such counties of rules and regulations of the state board of health by the county commission or other governing body of such counties.

Having been postponed on the thirty-first legislative day, was taken up.

H. 1697 POSTPONED

On motion of Mr. Kinsey, the bill, H. 1697, was postponed to the thirty-third legislative day.

And the bill:

H. 1836. To provide an additional expense allowance for the circuit court reporters of the Ninth Judicial Circuit by the counties composing said circuit.

Having been postponed on the thirty-first legislative day was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes,

Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1864. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Having been postponed on the thirty-first legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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H. 1864 RECONSIDERED

Having voted on the prevailing side, Mr. Killian offered the motion to reconsider the vote by which the bill, H. 1864, was passed, and the motion was adopted.

BILLS POSTPONED

On motion of Mr. Killian, the bills, H. 1864, H. 1865, H. 1866 and H. 1867, were postponed to the thirty-third legislative day.

And the bill:

H. 1643. Relating to landlord and tenant in all counties having populations of not less than 60,000 nor more than 65,000, according to the most recent federal decennial census; defining terms; and providing pro-

cedures regarding payment and refund of tenants' deposits and providing for interest thereon.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1883. To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census so as to further regulate the days, hours, and places of the meetings of the board of registrars and the compensation of its members.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1884. To provide an expense allowance for the Register in Chancery for Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper,

Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1885. To provide an expense allowance for the Deputy Solicitor for Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1886. To provide an expense allowance for the Tax Assessor for Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1887. To provide an expense allowance for the Tax Collector for Cherokee County, Alabama.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1889. Proposing a further amendment to Amendment No. 331 of the Constitution of Alabama relating to court costs and charges and to the compensation of certain officers of Cleburne County, eliminating the requirement for a county referendum.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1892. To provide for the compensation of bailiffs for the grand jury and for bailiffs serving in courts in Shelby County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper,

Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1894. Relating to Marengo County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1898. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, the tax collector, and the circuit clerk of Washington County on a salary basis of compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford,

Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1899. A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

Was taken up.

H. 1899 POSTPONED

On motion of Mr. Kelley, the bill, H. 1899, was temporarily postponed.

And the bill:

H. 1901. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1902. To amend the title and Section 1 of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), which Act provides further for

the compensation of members of the county board of education of certain counties classified on a population basis.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1903. To authorize the creation of the office of commissioner of licenses of Walker County; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1905. To amend Section 13 and 14 (a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the

City of Jasper, in relation to the number of days an employee can be suspended without right of hearing; and permitting any citizen to file charges.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1906. To amend Sections 2 and 3 of Act No. 1067, S. 938, Regular Session of 1973 (Acts 1973, p. 1802) which act provides for a county commission in all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census so as to provide further for the election of the members of said commission and to provide further for the meetings of said commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1912. Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1914. To create a county planning commission in every county in this state which has a population of not less than 27,900 nor more than 33,500, according to the most recent federal decennial census; to provide for the organization, membership, powers, personnel, jurisdiction, and financial and legal status of such commission; to authorize the commission to make subdivision regulations, a master plan, and to adopt zoning regulations for the development of the county; to provide for an election in each beat prior to the application of such authority of the commission in each beat; to grant the commission power to zone certain areas within the county and provide a procedure for the amendment of zoning regulations; to prohibit zoning regulations from being retroactive; to provide remedies for the enforcement of the provisions of this act; and to provide exceptions to such zoning regulations and for appeals from the decisions of the commission.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1916. Relating to Cullman County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the col-

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lection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the paving of roads in Cullman County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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H. 1446 TEMPORARILY CARRIED OVER

On motion of Mr. Gafford, the bill, H. 1446, was temporarily carried over.

And the bill:

H. 1518. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1738. To provide for an expense allowance for the president of the board of commissioners and each associate commissioner of the board of any city having a population of not less than 32,000 nor more than

34,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

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And the bill:

H. 1810. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Was taken up.

H. 1810 POSTPONED

On motion of Mr. Armstrong, the bill, H. 1810, was postponed to the thirty-third legislative day.

And the bill:

H. 1895. To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said Fund and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter,

Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1897. Relating to counties with a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, to exempt the governing body of counties to which this act applies and the governing body of municipalities located within counties to which this act applies from the lease tax levied by Act No. 96 First Special Session 1971 (Acts 1971, p. 166).

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1761. To amend further Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, p. 326), as amended, which fixes the membership of the Board of Policemen's and Fire Fighters' Pensions of the City of Mobile, so as to provide for election of certain members of such board, to amend Sections 14 and 15 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, p. 326), as amended which provide for the retirement of members or former members of the Mobile Police and Fire Departments, so as to provide that except in the case of a merit raise, no member's salary shall be raised within six (6) months before retirement.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter,

Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1721. Relating to Mobile County; providing for the compensation of the president of the Mobile County Law Enforcement Association and the president of the Mobile Firefighters Association local No. 1349 while such presidents are engaged in certain association business.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (C), Moore (W), Morris, Narmore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1242. (With Substitute): To change the governing body of Mobile County from the present three (3) member commission form to a five (5) member commission form with the members to be elected from separate districts and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To change the governing body of Mobile County from the present three (3) member commission form to a five (5) member commission form with the members to be elected from separate districts and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Commission of Mobile County shall consist of five (5) members, who shall be elected from separate house districts, by the qualified electors of their respective district, as follows:

a. County Commission District 1 shall include that part of Mobile County that is included in House Districts 95 and 96 and all of House District 97.

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b. County Commission District 2 shall include all of House Districts 98 and 99.

c. County Commission District 3 shall include all of House Districts 100 and 101.

d. County Commission District 4 shall include all of House Districts 102 and 103.

e. County Commission District 5 shall include all of House Districts 104 and 105.

Section 2. The commissioners as provided for in Section 1 of this Act shall take office on the first Monday after the second Tuesday in January, 1977. The present three (3) member commission shall remain as the governing body of Mobile County until the First Monday after the second Tuesday in January, 1977. The members of the new five (5) member commission shall be elected at the general election in 1976 and every four (4) years thereafter. Each member shall be a bona fide resident of the district which he represents and shall have been a bona fide resident of the district for at least one (1) year prior to the taking of office.

Section 3. All laws or parts of laws which conflict with this Act are repealed. The provisions of Act No. 181, H. 117, Regular Session 1957 (Acts 1957, 233) as amended, which conflict with the provisions of this act are superseded by this act.

Section 4. The provisions of this Act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

And the substitute was adopted.

Yeas 88; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—88

Nays:

Messrs.: Callahan and Sonnier.

—2

And the bill, H. 1242 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross,

Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hop- ping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—86

Nays:

Messrs.: Callahan, Sandusky and Sonnier.

—3

And the bill:

H. 1243. (With Substitute): Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commis- sioners to consist of five members elected from the House Districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Legislation No. 3, said committee sub- stitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of five mem- bers elected from the House Districts or portions thereof which are lo- cated within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Board of School Commissioners shall consist of five members, who shall be elected from separate districts by the qualified electors of their respective districts. They shall be persons of good moral character, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education.

Section 2. The five members shall be elected from districts made up of House districts or portions thereof located within Mobile County, as follows:

a. School Commissioner District 1 shall include that part of Mobile County that is included in House Districts 95 and 96 and all of House District 97.

b. School Commissioner District 2 shall include all of House Dis- tricts 98 and 99.

c. School Commissioner District 3 shall include all of House Dis- tricts 100 and 101.

d. School Commissioner District 4 shall include all of House Dis- tricts 102 and 103.

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e. School Commissioner District 5 shall include all of House Districts 104 and 105.

Section 3. Each member shall be a bona fide resident of the district which he represents and shall have been a bona fide resident of the district for at least one (1) year prior to the taking of office.

Section 4. Members for Districts 1 and 2 shall be elected at the general election of November, 1976 and every six (6) years thereafter and shall take office on the first Tuesday in January, 1977.

Section 5. The member for District 3 shall be elected at the general election of November, 1978 and every six (6) years thereafter and shall take office on the first Tuesday in January, 1979.

Section 6. Members for Districts 4 and 5 shall be elected in the general election in 1980 and every six (6) years thereafter and shall take office on the first Tuesday in January, 1981, at which time the Former Board of School Commissioners shall be abolished.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. Kennedy the substitute reported by the Standing Committee on Local Legislation No. 3 to the bill, H. 1243, was tabled.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

Mr. Kennedy offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of ten members elected from the House Districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. The Mobile County Board of School Commissioners shall consist of ten members, who shall be elected from separate districts by the qualified electors of their respective districts. They shall be persons of good moral character, of good standing in their respective communities, and known for their honesty, business ability, public spirit and interest in the good of public education.

Section 2. The ten members shall be elected from districts made up of House districts or portions thereof located within Mobile County, as follows:

a. School Commissioners District 1 shall include that part of Mobile County that is included in House Districts 95 and 96.

b. School Commissioner District 2 shall include all of House District 97.

c. School Commissioner District 3 shall include all of House District 98.

d. School Commissioner District 4 shall include all of House District 99.

e. School Commissioner District 5 shall include all of House District 100.

f. School Commissioner District 6 shall include all of House District 101.

g. School Commissioner District 7 shall include all of House District 102.

h. School Commissioner District 8 shall include all of House District 103.

i. School Commissioner District 9 shall include all of House District 104.

j. School Commissioner District 10 shall include all of House District 105.

Section 3. Each member shall be a bona fide resident of the district which he represents and shall have been a bona fide resident of the district for at least one (1) year prior to the taking of office.

Section 4. Members for Districts 3, 4, 5 and 6 shall be elected at the general election of November, 1976 and every four (4) years thereafter and shall take office on the first Tuesday in January, 1977, at which time places 1 and 2 of the present School Board, scheduled for election in November of 1976, shall be abolished.

Section 5. Members for Districts 7, 8, 9 and 10 shall be elected at the general election of November, 1978 and every four (4) years thereafter, and shall take office on the first Tuesday in January, 1979, at which time place 1 of the present School Board, scheduled for election in November 1978, shall be abolished.

Section 6. Members for Districts 1 and 2 shall be elected at the general election of November 1980 and every four (4) years thereafter, and shall take office on the first Tuesday in January, 1981, at which time all places elected under the present School Board shall be abolished.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

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Section 8. The provisions of this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1243. Relating to Mobile County; providing for the reapportionment of the Mobile County Board of School Commissioners to consist of ten members elected from the House Districts or portions thereof which are located within the boundaries of Mobile County; providing for election and length of term for the new commissioners.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 4.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—85

Nays:

Messrs.: Callahan, McMillan, Sandusky and Sonnier.

—4

And the bill:

H. 801. (With Amendments): To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of

Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend page 17, paragraph 2, line 11 and 12 after the words "regardless of age who" by striking out the words, at his or her birth was

And insert in lieu thereof the words, becomes disabled prior to attaining age eighteen (18) and

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCuskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend House Bill 801 by changing Section 2 of said House Bill so that said Section 2 as changed, will read as follows:

Section 2. As used in this Section 2, the following words and terms have the meanings hereby accorded them: "Section 1" means Section 1 of ARTICLE II of Act 929; and "definition of Final Average Salary" means the definition of Final Average Salary in said Section 1, which definition appearing on page 2128 of the Acts of the Legislature of Alabama of the Regular Session of 1973 is as follows:

"Final Average Salary. The average of the four (4) consecutive years of highest compensation in the ten (10) years immediately preced-

ing retirement after the effective date of this plan divided by twelve (12) months.”

The definition of Final Average Salary is hereby amended so as to read as follows:

“Final Average Salary. The average of the three and one-half (3½) consecutive years of highest compensation in the ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months.”

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend House Bill 801 by changing Section 4 of said House Bill so that said Section 4, as changed, will read as follows:

Section 4. It is hereby provided that Section 3 of ARTICLE IV of Act 929 is amended so as to read as follows:

“Section 3. Elected Officials and Employees in the Unclassified Service.

“(a) Elected Officials. As used in this subsection (a), and as hereinafter used in this Act, the following words and terms have the meanings hereby accorded them: ‘office’ means an elective office of the City; ‘officer’ means a person holding an office as herein defined; ‘effective date of (a)’ means the effective date of this subsection (a) of this Section 3 of this ARTICLE IV.

“Each officer shall be eligible to become a member of the System by exercising the option hereby given to the manner and within the time provided for in this subsection (a) and not thereafter.

“Any person an officer on the effective date of (a) may exercise such option within ninety (90) days from the effective date of this (a). Any person not an officer on the effective date of (a) who thereafter becomes an officer may exercise such option within ninety (90) days after he becomes an officer. An officer desiring to become a member under this subsection (a) will deliver to the city finance officer, within the time above specified, a statement signed by him reciting that he elects to become a member of the System. The election thus made shall be irrevocable. After thus electing to become a member an officer shall be subject to

all burdens and entitled to all rights attached to membership in the System, including the subjection of his salary to salary deductions and entitlement to contributions by the City on his behalf to the fund in accordance with the provisions of this Act, for salary deductions and contributions by the City to the pension fund on behalf of members of the System.

"As herein used, the term 'prior service' means a person's service as an officer prior to his entering the System; the term 'liability for unpaid contributions' means the liability an officer must discharge to convert his prior service to Credited Service, the amount of which liability shall be the sum of these two accounts: (1) the sum of all contributions the officer would have paid the System from his salary during his prior service had his salary been subject to deductions for contributions, at the rate applicable when the officer received his salary; and (2) interest at the rate of four percent on each separate contribution the officer would have made to the System had he been a member during his prior service calculated from the date whereon he would have made such contribution had he been a member of the System to the date he pays such contribution. No officer shall receive credit for pension purposes for prior service unless he converts such prior service to Credited Service as herein provided.

"When an officer becomes a member of the System he may then, but not thereafter, elect to convert prior service to Credited Service. Upon electing to convert his prior service to Credited Service he shall then discharge his liability for unpaid contributions in one of the manners prescribed in the two sentences next following. He may discharge such liability by then paying to the System the full amount of such liability. Unless he then discharges in full such liability, at the end of each payroll period following his election to convert prior service to Credited Service, the City, in addition to deductions from the officer's salary, otherwise provided for, shall deduct from such salary for each payroll period an amount equal to five percent of such liability for unpaid contributions, together with interest thereon at the rate of six percent from the date whereon the officer enters the System until such liability (including interest) is fully discharged.

"Contemporaneously with the officer's discharging his liability for unpaid contributions for all or any part of his prior service converted to Credited Service, or with the City's making any payment to the General Employees' System through salary deductions to discharge such liability, the City will pay to the fund of the General Employees' System from the general funds of the City an amount equal to the sum of these two amounts: (1) sum of all payments the City would have made from the general funds of the City to the fund of General Employees' Pension System if the officer had been a member of the System during all of that period of his prior service which he converts to Credited Service; and (2) interest at the rate of four percent per annum on each separate payment of the City would have made to the said fund from the general funds of the City from the dates on which the City would have made the respective payments had the officer been a member of the System to the date on which the City makes such payments.

"(b) Unclassified Service. Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a qualified Employee in the unclassified service."

And the amendment was adopted.

REGULAR SESSION
32nd Day

3369

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend House Bill 801 by changing Section 5 of said House Bill so that said Section 5, as changed, will read as follows:

Section 5. It is hereby provided that Section 1 of ARTICLE V of Act 929 is amended so as to read as follows:

"Section 1. Participants' Contributions.

"(a) Until subsection (b), below, becomes effective, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

"(b) Commencing with the first payroll period which begins after the effective date of this subsection (b), and continuing thereafter, each Participant shall contribute to the cost of the System, and the City shall deduct from his salary, an amount equal to six percent (6%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund.

"(c) Should the City through error, inadvertence or otherwise, neglect to make proper deduction for the fund from the salary of any employee member for any payroll period, the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand."

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone,

Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

The question was then on the adoption of the amendment No. 5 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend House Bill 801 by adding Section 5A thereto which will read as follows:

Section 5A. It is hereby provided that Section 2 of Article V of Act 929 is amended to read as follows:

Section 2. City's Contributions.

(1). At the same time the deductions attributable to Participants' contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Service Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of the City as follows:

a. The actuaries shall determine the Normal Cost of the benefits provided by the System;

b. From the Normal Cost shall be subtracted the value of the Participants' contributions in the previous fiscal year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the fiscal year, the resultant percentage shall be called the "Current Service Percentage" and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Current Service Cost" for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the "Past Service Percentage" and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Past Service Cost" for the Payroll Period.

f. During any fiscal year ending prior to October 1, 1981, at the option of the City as exercised by resolution adopted by the governing body thereof, the "Past Service Cost" as computed under paragraph e. above may be reduced to an amount not less than the actuarially assumed interest on Liability as determined under paragraph d. above: provided, however, that the amount by which such Past Service Cost is reduced hereunder in any fiscal year of the City must be paid by such City into the Fund within the next two succeeding fiscal years of said City as an addition to "Past Service Cost" as computed for the fiscal year in which such additional payment is made, except to the extent which the City has applicable credits under paragraph (2) hereof. In no event, shall the total contribution of the City be less than twelve (12) percent of total covered payroll.

And the amendment was adopted.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill, H. 801 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1847. To apply in counties having population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census, designating the number of employees authorized by the sheriff's department, compensation of such employees, and to repeal conflicting laws.

Was taken up.

H. 1847 POSTPONED

On motion of Mr. Waggoner, the bill, H. 1847, was postponed to the thirty-third legislative day.

And the bill:

H. 1878. Relating to counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census, providing that the health department of such counties shall be funded at the same time as other county agencies are funded.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1882. To repeal Act No. 113, H. 552, approved, July 18, 1973, Regular Session 1973 (Acts of Alabama 1973, p. 145) entitled, "An Act relating to Blount County; to provide that all hospitals receiving state or county funds shall publish an annual financial statement and shall have their books audited by the state examiners of public accounts annually."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1896. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all such counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

Was taken up.

H. 1896. POSTPONED

On motion of Mr. Greer, the bill, H. 1896, was postponed to the thirty-third legislative day.

And the bill:

H. 1909. Amending Act No. 791, H. 979, 1971 third Special Session of the Legislature (Acts 1971, Vol. II, p. 1525) to increase the compensation for the secretary to the district attorney of the twenty-fourth judicial circuit, and to provide for proportional payment by the counties constituting said circuit.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—90

And the bill:

H. 1446. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Having been previously temporarily carried over, was read a third time at length and lost.

Yeas 2; Nays 12.

Yeas: Messrs.: Robertson and White.

—2

Nays:

Messrs.: Biddle, Falkenburg, Gafford, Hall, Harrison, Hilliard, Jackson (R), Jolly, Leonard, McNair, Porter and Tucker.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises; and providing for penalties.

Was read a third time at length and passed.

Yeas 3; Nays 2.

Yeas: Messrs.: Albright, Gregg and Smith (B). —3

Nays: Messrs.: Moore (W) and Riddick. —2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

On motion of Mr. Crowe, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 887. To establish a system of regulation and control of coal surface mining and reclamation; a declaration of public policy and legislative intent; a section defining key provisions of this act; the creation and establishment of the Alabama Surface Mining Reclamation Commission with powers and authority; establishes necessity of licenses and qualifications for obtaining licenses, and provides for permits with a right to surface mine and proper application therefor; requires a reclamation plan and map; provides for removal of certain facilities; establishes blasting regulations and setback requirements; sets application fees, bond of operator, insurance requirement, sufficiency of surety, cancellation

by surety and suspension of operator's permit; provides for posting of lands; provides for entry upon lands for inspection; provides for reporting of certain information by certain purchasers of coal and provides penalties for the failure to comply; provides for confidentiality of certain records; establishes violations, administrative procedures, procedure for appeals from orders of the Commission, provides for legal remedies, enforcement provisions; and penalties; establishes the Alabama Surface Mining Reclamation Fund; provides for citizens' suits; provides for rule making procedures; provides saving and conforming provisions and establishes the effective date and orderly transition to said new act and repeals the Surface Mining Act of 1969 (Act 399 Regular Session) as to regulation of coal surface mining only; provides for approval of certain coal leases; provides for severability; sets effective date of the act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 134. COMMENDING THE ALABAMA COUNTRY GOSPEL MUSIC ASSOCIATION.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 134, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 415. To amend section 282, 283, 284, 287, 292, 297 and 300 of Title 28, Code of Alabama 1940, §295 of Title 28, Code of Alabama 1940, as amended by Act No. 2300, Regular session 1971, (Acts of 1971, p. 3711 et. seq.), and Section 2 of Act No. 603, Regular Session 1957 (Acts of 1957, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 457. Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be ten dollars (\$10.00); to prescribe the effective date of this Act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 383. MOURNING THE DEATH OF REPRESENTATIVE RAY BURGESS.

Also:

H. J. R. 385. MOURNING THE DEATH OF FORMER REPRESENTATIVE D. C. ("DEACON") GREY.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

by a majority of the whole number elected to the Senate, said vote being Yeas 18, Nays 0.

And said Bill, H. B. 201, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 18, Nays 0.

And said Bill, H. B. 201, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of state-wide application in conflict herewith.

And said Bill, H. B. 857, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that Mr. Robertson did not intend to vote "Yea" on the bill, H. 1446.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (J), the rules were suspended in order to bring up out of order the bill, H. 1790.

And the bill:

H. 1790. To amend Section 8, Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), relating to Alabama Pollution Control Finance Authority, so as to increase the amount of bonds authorized to be issued by the Authority from \$25,000,000 to \$30,000,000 and to increase the years of maturity from not exceeding 30 to not exceeding 40 years.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harrison, Hill, Hines, Holmes, Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Waggoner, Weeks, Whatley, and Wyatt.

—68

BILLS ON THIRD READING RESUMED

And the bill:

H. 1899. A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Gregg, Hall, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—63

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Andrews, the rules were suspended in order to bring up out of order the bill, S. 797, was adopted.

Yeas 46; Nays 9.

Yeas:

Mr. Speaker, Andrews, Baker, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Goodwin, Higginbotham, Hill, Hines, Hopping, Jolly, Kinsey, LeFlore, Lutz, McMillan, McNeese, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Reed, Roberts, Robertson, Sasser, Smith (J), Sparks, Trammell, Waggoner, Weeks, Whatley and Wyatt.

—46

Nays:

Messrs.: Harrison, Holmes, Johnstone, Kelley, Killian, Lewis, Lockett, Smith (M) and Tucker.

—9

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. Andrews, the motion offered by Mr. Tucker to temporarily carry over the bill, S. 797, was tabled.

Yeas 58; Nays 7.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Harris, Higginbotham, Hill, Hines, Hopping, Johnson, Jolly, Kelley, Kinsey, LeFlore, Lutz, McCulley, McMillan, McNeese, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sparks, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White and Wyatt.

—58

Nays:

Messrs.: Armstrong, Hilliard, Holmes, Leonard, McNair, Porter and Tucker.

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MOTION TO POSTPONE TABLED

On motion of Mr. Andrews, the motion offered by Mr. Armstrong to postpone the bill, S. 797, to the thirty-third legislative day, was tabled.

Yeas 39; Nays 18.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Carter, Cates, Clark, Coburn, Dial, Folmar, Ford, Gafford, Glass, Goodwin, Harris, Higginbotham, Hopping, Johnson, Johnstone, Jolly, Kinsey, Lewis, McMillan, McNees, Manley, Moore (O), Moore (W), Naramore, Pegues, Quarles, Robertson, Sasser, Smith (B), Sonnier, Taylor, Venable, Waggoner, Warren and Weeks.

—39

Nays:

Messrs.: Armstrong, Cooper, Cross, Hall, Hilliard, Howard, Jackson (R), Killian, Leonard, Lockett, McCulley, McNair, Martin, Porter, Roberts, Smith (J), Tucker and White.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 365. TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

Also:

H. J. R. 46. HONORING N. S. "NICK" HARE FOR HIS PIONEER WORK ON THE NEW ALABAMA RULES OF CIVIL PROCEDURE AND IN THE FIELD OF JUDICIAL REFORM.

Also:

H. J. R. 159. MEMORIALIZING CONGRESS TO CHANGE THE COPYRIGHT LAW IN ORDER THAT TEACHERS IN SECONDARY AND ELEMENTARY EDUCATION MAY PHOTOCOPY OR OTHERWISE COPY MATERIALS FOR USE FOR EDUCATIONAL PURPOSES.

Also:

H. J. R. 275. HONORING DOCTOR HARRY M. PHILPOTT.

Also:

H. J. R. 329. TO NAME THE MEDICAL AND DIAGNOSTIC CENTER OF THE ALABAMA PRISON SYSTEM THAT IS LOCATED IN MONTGOMERY COUNTY "THE KILBY CORRECTIONS FACILITY."

Also:

H. J. R. 335. COMMENDING THE ALABAMA AGRICULTURAL EXPERIMENT STATIONS AND NOTING APPRECIATION DAY FOR 1975, ON NOVEMBER 13, 1975, TO PROVIDE RECOGNITION FOR THEIR 100 YEARS OF SERVICE.

Also:

H. J. R. 121. ADOPTING JOINT RULE 15.

Also:

H. J. R. 254. REQUESTING THE DIVISION OF VOCATIONAL EDUCATION FOR COMMUNITY COLLEGES TO SECURE FEDERAL FUNDS FOR ADDITIONAL MINE TRAINING PROGRAMS AT WALKER STATE TECHNICAL COLLEGE, SUMITON, ALABAMA.

McDOWELL LEE,
Secretary.

S. 797 RESUMED

MOTION TO POSTPONE TABLED

On motion of Mr. Andrews, the motion offered by Mr. Harrison to postpone the bill, S. 797, to the thirty-fourth legislative day, was tabled.

Yeas 38; Nays 15.

Yeas:

Mr. Speaker, Andrews, Baker, Brindley, Campbell, Carter, Cates, Clark, Cross, Dial, Drake, Gafford, Glass, Goodwin, Harris, Higginbotham, Hopping, Johnson, Jolly, Kinsey, Lutz, McNeese, Malone, Martin, Moore (O), Moore (W), Naramore, Owens, Plaster, Rich, Sasser, Smith (B), Smith (J), Sonnier, Venable, Waggoner, Weeks and Wyatt.

—38

Nays:

Messrs.: Armstrong, Coburn, Hall, Harrison, Howard, Jackson (R), Johnstone, Kennedy, Killian, Leonard, Lewis, McNair, Porter, Teague and Tucker.

—15

And the bill:

S. 797. To further amend and reenact Act No. 422, H. 325, 1951 Regular Session (Acts of 1951, p. 745), as amended, entitled "An Act To regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws".

Was read a third time at length and passed.

Yeas 47; Nays 5.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Callahan, Campbell, Carter, Cates, Cooper, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Harris, Harrison, Higginbotham, Hopping, Johnson, Jolly, Kelley, Kinsey, Leonard, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Sandusky, Smith (B), Smith (J), Sonnier, Taylor, Trammell, Venable, White and Wyatt.

—47

Nays:

Messrs.: Howard, Johnstone, Kennedy, Killian and McNair.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Callahan, the rules were suspended in order to bring up out of order the bill, H. 1669.

And the bill:

H. 1669. To authorize the state of Alabama, acting through its agency, the Alabama state docks department, with the consent of the governor, to enter into contracts and agreements with the United States of America or any of its agencies for the purpose of acquiring from the United States of America, or any of its agencies, funds and facilities for public use in connection with waterways and navigation for which said funds are obtained and to comply with the provisions of Public Law No. 91-646 known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with such public projects for which Federal funds are available and used.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (J), Sonnier, Taylor, Teague, Venable, Warren, White and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 382. Relative to the adjournment of the two Houses.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H. R. 389. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on the 32nd Legislative Day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

The following Bills:

H. B. 1633	page 3	Ad Valorem
H. B. 604	page 75	City and County Employees
H. B. 525	page 105	Firefighters
H. B. 253	page 66	Tire Tread
H. B. 659	page 97	Capitol Outlay—Auburn
H. B. 286	page 34	County Government
H. B. 415	page 16	Agriculture
H. B. 1846	page 217	Alcoholic Beverage in Dry Counties
H. B. 1778	page 235	Ft. Toulouse
H. B. 1646	page 196	Election Laws
H. B. 1815	page 171	Highway Beautification
H. B. 1917	page 234	Long Range Highway Planning Commission
H. B. 1126	page 173	County Government
H. B. 1565	page 152	Oil & Gas Board
H. B. 1893	page 233	Computer System
H. B. 318	page 11	Savings & Loan Assn.
H. B. 1859	page 218	Blue Laws
H. B. 1904	page 217	Naming Building in Walker County
H. B. 1769	page 175	Naming Building in Cullman County
H. B. 1105	page 48	Law Enforcement in State Parks
H. B. 631	page 150	State Employees
H. B. 1666	page 154	Boxing & Wrestling
H. B. 1046	page 56	Tape Bill
H. B. 1698	page 178	Blind & Deaf Education
H. B. 1236	page 233	Code Committee
H. B. 291	page 149	Vending Machines
H. B. 1068	page 151	Poultry
H. B. 1332	page 223	Coal Bill
H. B. 818	page 64	Relief Bill
H. B. 1457	page 239	Rescue Squad
H. B. 477	page 12	Annexation
H. B. 499	page 93	Auxiliary State Troopers
H. B. 204	page 98	Nurses Scholarships
H. B. 205	page 100	Dental Scholarships
H. B. 208	page 134	Medical Scholarships
H. B. 79	page 16	Out-of-state travel
H. B. 34	page 169	Prisoners
H. B. 761	page 169	Prisoners
H. B. 1685	page 174	Education Accountability
H. B. 741	page 142	3 Qt. Container Bill—Milk
H. B. 1098	page 176	Control Substance
H. B. 1405	page 71	Honey Law
H. B. 474	page 10	Conservation
H. B. 1167	page 72	Net Fishing
H. B. 561	page 5	Voluntary Firefighters
H. B. 1628	page 156	State Parks
H. B. 1004	page 36	Trustees
H. B. 1653	page 238	Free Bleeders
H. B. 53	page 53	Home Rule
H. B. 1195	page 42	Gas Districts
H. B. 1370	page 85	Warrants
H. B. 1371	page 85	Warrants
H. B. 1372	page 86	County Water Works
H. B. 1373	page 86	Warrants

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H. B. 1374	page 86	Warrants
H. B. 44	page 63	Used Parts
H. B. 856	page 238	State Employees
H. B. 690	page 41	Gasoline Nozzle
H. B. 925	page 3	Appropriations for Mobile Homes for Prisons
H. B. 1077	page 94	Disabled Veterans
H. B. 1078	page 94	Disabled Veterans
H. B. 900	page 136	County District Attorneys
H. B. 134	page 6	Federal Income Tax Rebate
H. B. 1538	page 122	State Parks
H. B. 383	page 10	Chiropractors
H. B. 989	page 69	Rabies Control
H. B. 988	page 69	Vet. Assistant
H. B. 1345	page 82	Review Prison Sentences
H. B. 762	page 12	Mayor's Salaries
H. B. 129	page 70	Speech & Hearing
H. B. 1608	page 133	Student Fees
H. B. 640	page 19	Sod Farmers
H. B. 642	page 142	Governor's Expense
H. B. 655	page 18	Tax exemption
H. B. 519	page 75	Commission on Aging
H. B. 591	page 148	State Employees Travel Expense
H. B. 116	page 25	City Elections
H. B. 1804	page 178	Cat Fish Farmers
H. B. 1023	page 130	Indigent Fees
H. B. 1024	page 131	Indigent Fees
H. B. 996	page 67	Boating Laws
H. B. 1307	page 95	Licensed Social Workers
H. B. 1080	page 83	Real Estate Licensing Laws
H. B. 719	page 93	Rules of the Road
H. B. 720	page 26	Rules of the Road
H. B. 721	page 27	Rules of the Road
H. B. 722	page 27	Rules of the Road
H. B. 723	page 27	Rules of the Road
H. B. 724	page 28	Rules of the Road
H. B. 725	page 28	Rules of the Road
H. B. 726	page 28	Rules of the Road
H. B. 727	page 28	Rules of the Road
H. B. 728	page 29	Rules of the Road
H. B. 729	page 29	Rules of the Road
H. B. 1102	page 37	Marine Mammals
H. B. 730	page 29	Rules of the Road
H. B. 731	page 29	Rules of the Road
H. B. 732	page 30	Rules of the Road
H. B. 733	page 30	Rules of the Road
H. B. 734	page 30	Rules of the Road
H. B. 735	page 30	Rules of the Road
H. B. 736	page 31	Rules of the Road
H. B. 737	page 31	Rules of the Road
H. B. 738	page 31	Rules of the Road
H. B. 739	page 31	Rules of the Road
H. B. 740	page 32	Rules of the Road
H. B. 332	page 46	Opticians
H. B. 1155	page 102	Voluntary Compliance
H. B. 1069	page 150	Voluntary Compliance
H. B. 281	page 107	Law Enforcement Officers
H. B. 1286	page 111	Utility
H. B. 1287	page 113	Utility
H. B. 338	page 137	Law Enforcement Officers
H. B. 703	page 5	Community Services
H. B. 940	page 184	Teacher Retirement

H. B. 715	page 186	Teacher Retirement
H. B. 678	page 23	Life Insurance
H. B. 1497	page 138	Unsolicited Merchandise
H. B. 465	page 21	Looting
H. B. 742	page 106	Broadcasters
H. B. 889	page 78	Conjugal Visitation
H. B. 1326	page 91	Aged & Disabled Adults
H. B. 985	page 89	Commercial Fishermen License
H. B. 1199	page 83	Private Schools
H. B. 820	page 97	Alabama Approving Agency
H. B. 1074	page 88	Podiatry
H. B. 1567	page 126	Workmen's Compensation
H. B. 1075	page 140	Podiatry
H. B. 140	page 64	Military Retirement
H. B. 134	page 6	State Tax exemption for rebate
H. B. 1531	page 136	Amends Title Law
H. B. 329	page 7	Sick Leave for Teachers
H. B. 330	page 7	Sick Leave for Teachers
H. B. 1188	page 100	Constitutional Amendment
H. B. 1187	page 101	Constitutional Amendment
H. B. 596	page 10	State Snake
H. B. 1816	page 171	Highway Dept.
H. B. 1817	page 172	Highway Dept.

On motion of Mr. Drake, the rules were suspended, the reading at length of the resolution was dispensed with, and the resolution, H. R. 389, was adopted.

SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order.

And the bill:

H. 1633. Proposing an amendment to further amend Article 11, Section 217, of the Constitution of Alabama 1901 relative to ad valorem taxation; further providing for the assessment of taxable property and the levy of such tax.

Having been amended and postponed on the thirty-first legislative day, was taken up.

Mr. Johnson offered the following amendment No. 1 to the bill, H. 1633 as amended:

Amend H. 1633 on Page 3 lines 30, 31, and 35 by deleting the following words wherever they appear:

"twenty percent (20%)"

and adding in lieu thereof the following:

"fifty percent (50%)"

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 1 offered by Mr. Johnson to the bill, H. 1633 as amended, was tabled.

Yeas 46; Nays 34.

Yeas:

Mr. Speaker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Gaf-

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ford, Glass, Higginbotham, Hines, Kelley, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Venable, Warren, White and Wyatt.

—46

Nays:

Messrs.: Armstrong, Baker, Boles, Coburn, Ford, Goodwin, Greer, Hall, Harris, Harrison, Hill, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Leonard, Lockett, McCluskey, Malone, Martin, Moore (O), Naramore, Riddick, Roberts, Robertson, Smith (B), Smith (C), Taylor, Trammell, Turnham, Waggoner and Weeks.

—34

Mr. White offered the following amendment to the bill, H. 1633 as amended:

Amend H. B. 1633 Section 217 (d), page 3, line 28 by adding after the words "tax year." the following:

It is further provided that any and all millage adjustments shall be made in increments of not less than $\frac{1}{2}$ mill. The adjustment herein required shall be made only one time and shall be made in the ad valorem tax year immediately following the adoption of this amendment.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Leonard, Lutz, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Trammell, Turnham, Venable Waggoner, Warren, Weeks and Wyatt.

—74

MOTION TO POSTPONE TABLED

On motion of Mr. Manley, the motion offered by Mr. Greer to postpone the bill, H. 1633 as amended, to the thirty-third legislative day was tabled.

Yeas 48; Nays 28.

Yeas:

Mr. Speaker, Armstrong, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Harris, Hines, Kelley, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Reed, Rich, Riddick, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Venable, Warren, White and Wyatt.

—48

Nays:

Messrs.: Baker, Cates, Coburn, Ford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Hopping, Howard, Johnson, Johnstone, Kennedy,

Leonard, Lockett, McCluskey, Malone, Martin, Naramore, Roberts, Robertson, Smith (C), Taylor, Turnham, Waggoner and Weeks.

—28

Mr. Johnson offered the following amendment No. 2 to the bill, H. 1633 as amended:

Amend H. 1633 on page 3 line 30, 31, and 35 by deleting the following words wherever they appear:

“twenty percent (20%)”

and adding in lieu thereof the following:

“forth percent (40%)”

AMENDMENT TABLED

On motion of Mr. Manley, the amendment No. 2 offered by Mr. Johnson to the bill, H. 1633 as amended, was tabled.

Yeas 47; Nays 43.

Yeas:

Mr. Speaker, Andrews, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Higginbotham, Hines, Jolly, Kelley, Kinsey, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Sparks, Trammell, Venable, Warren, White and Wyatt.

—47

Nays:

Messrs.: Armstrong, Baker, Boles, Coburn, Cooper, Cross, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lee, LeFlore, Leonard, Lockett, McCluskey, McNair, Malone, Martin, Naramore, Porter, Riddick, Roberts, Robertson, Smith (B), Smith (C), Smith (M), Taylor, Tucker, Turnham, Waggoner and Weeks.

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UNANIMOUS CONSENT

Unanimous consent was granted for the Journal to show Mr. Shelton as Co-Sponsor to the Bill, H. 1633.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 383. MOURNING THE DEATH OF REPRESENTATIVE RAY BURGESS.

Also:

H. J. R. 385. MOURNING THE DEATH OF FORMER REPRESENTATIVE D. C. (“DEACON”) GREY.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 201. To provide that driver licenses bear photographic likeness in color of licensed drivers and to provide for a system to implement the use of color photographic driver license forms and for the time and manner of implementing this act; and to provide for non-driver identification cards; to provide for the issuance of driver licenses valid for a period of four (4) years, and to set the cost of such licenses and identification cards, and the fees for issuance; to provide for interim driver licenses valid for a period of two (2) years to implement this act, and to set the cost of such licenses; to provide that contracts may be awarded for a period of a total of five years; to amend Section 62, Title 36, Code of Alabama 1940; to repeal Section 59, Title 36, Code of Alabama 1940, as amended.

And finds same correctly enrolled with Executive Amendment.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 857. To revise the fee schedule for services rendered in probate offices and establish a new schedule for such services; and to repeal Code of Alabama 1940, Title 11, Section 29, and other general laws of statewide application in conflict herewith.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present,

signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES
ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 121. ADOPTING PROPOSED RULE REGARDING FIRE-ARMS OR LETHAL WEAPONS AS RULE 15 OF THE "JOINT RULES OF THE TWO HOUSES OF THE LEGISLATURE OF ALABAMA."

Also:

H. J. R. 329. TO NAME THE MEDICAL AND DIAGNOSTIC CENTER OF THE ALABAMA PRISON SYSTEM THAT IS LOCATED IN MONTGOMERY COUNTY "THE KILBY CORRECTIONS FACILITY."

Also:

H. J. R. 275. HONORING DOCTOR HARRY M. PHILPOTT.

Also:

H. J. R. 159. MEMORIALIZING CONGRESS TO CHANGE THE COPYRIGHT LAW.

Also:

H. J. R. 46. HONORING N. S. "NICK" HARE FOR HIS PIONEER WORK ON THE NEW ALABAMA RULES OF CIVIL PROCEDURE AND IN THE FIELD OF JUDICIAL REFORM.

Also:

H. J. R. 254. Requesting the Division of Vocational Education for Community Colleges to Secure Federal Funds for Additional Mine Training Programs.

Also:

H. J. R. 365. TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

Also:

H. J. R. 335. COMMENDING THE ALABAMA AGRICULTURAL EXPERIMENT STATIONS AND NOTING APPRECIATION DAY FOR 1975, ON NOVEMBER 13, 1975, TO PROVIDE RECOGNITION FOR THEIR 100 YEARS OF SERVICE.

Also:

H. J. R. 382. Relative to sine die adjournment.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

H. 1633 RESUMED

Mr. Johnson offered the following amendment No. 3 to the bill, H. 1633 as amended:

Amend H. 1633 on page 3 line 30, 31, and 35 by deleting the following words wherever they appear:

"twenty percent (20%)"

and adding in lieu thereof the following:

"thirty-five percent (35%)"

MOTION TO TABLE LOST

The motion offered by Mr. Manley to table the amendment No. 3 offered by Mr. Johnson to the bill, H. 1633 as amended, was lost.

Yeas 44; Nays 47.

Yeas:

Mr. Speaker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Higginbotham, Hines, Jolly, Kelley, Kinsey, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Shelton, Smith (J), Sonnier, Sparks, Venable Warren and White.

—44

Nays:

Messrs.: Albright, Andrews, Armstrong, Baker, Boles, Coburn, Cooper, Cross, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lee, LeFlore, Leonard, Lockett, McCluskey, McNair, Malone, Martin, Naramore, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Taylor, Trammell, Tucker, Turnham, Waggoner, Weeks and Wyatt.

—47

AMENDMENT ADOPTED

The question was then on the amendment No. 3 offered by Mr. Johnson to the bill, H. 1633 as amended, and the amendment was adopted.

Yeas 52; Nays 39.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Boles, Brindley, Coburn, Cooper, Cross, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Lee, LeFlore, Leonard, Lockett, McCluskey, McNair, Malone, Martin, Moore (O), Naramore, Porter, Quarles, Riddick, Roberts, Smith (B), Smith (C), Smith (J), Smith (M), Taylor, Trammell, Tucker, Turnham, Waggoner, Weeks, White and Wyatt.

—52

Nays:

Mr. Speaker, Barron, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Higginbotham, Hines, Jolly, Kinsey, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Reed, Rich, Sandusky, Sasser, Shelton, Sonnier, Sparks, Venable and Warren.

—39

And the bill, H. 1633 as thus amended, was read a third time at length and lost, lacking a three-fifths vote.

Yeas 56; Nays 29.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Harris, Hines, Kelley, Killian, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Venable, Warren, White and Wyatt.

—56

Nays:

Messrs.: Armstrong, Boles, Cooper, Falkenburg, Goodwin, Greer, Hall, Harrison, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, LeFlore, Leonard, Lockett, McCluskey, McNair, Malone, Martin, Porter, Roberts, Teague, Tucker, Waggoner and Weeks.

—29

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Carothers, Pegues, Campbell and Rich as co-sponsors to the bill, H. 1633.

H. 1080 INDEFINITELY POSTPONED

On motion of Mr. Andrews, the bill, H. 1080, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Carter, the rules were suspended in order to bring up out of order the bill, H. 1562.

Yeas 73; Nays 4.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lockett, Lutz, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Taylor, Trammell, Turnham, Warren, Weeks, White and Wyatt.

—73

Nays:

Messrs.: Holmes, McCluskey, Quarles and Teague.

—4

And the bill:

H. 1562. (With Substitute): To Amend Act No. 168 (H. 270) Special of 1966, as amended (Article 8A, Title 55, Code of Alabama as Recom-

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piled and Amended) relating to the Alabama Historical Commission revising the responsibilities of the agency.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), which act creates the Alabama Historical Commission, so as to provide further for the employment by the said commission of certain personnel.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190) is hereby amended to read as follows:

"Section 5. The Commission may employ either on a part time or full time basis such advisors, archaeologists, architects, engineers, attorneys, real estate appraisers, laborers, artisans, historians, caretakers, guides, peace officers, technicians, superintendents, stenographers and administrative employees and supervisory and professional personnel as may be necessary or advisable for carrying out in the most efficient and beneficial manner the purposes and provisions of this act, and all permanent full time employees other than the executive director, the state officer of archaeology and projects supervisor shall be subject to the state merit system."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Teague, Trammell, Tucker, Turnham, Warren, Weeks, White and Wyatt.

—79

And the bill:

H. 1562. To amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), which act creates the Alabama Historical Commission, so as to provide further for the employment by the said commission of certain personnel.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Warren, Weeks, White and Wyatt.

—79

RESOLUTION

The following resolution was introduced:

By Mr. Smith (C):

H. J. R. 390. COMMENDING THE CHILTON COUNTY RESCUE SQUAD UPON THEIR 20TH ANNIVERSARY.

WHEREAS in September of 1955 several far-sighted and civic minded gentlemen recognized the existing need for a rescue squad in Chilton County; and

WHEREAS at that time the citizens of Chilton County had no official group to call upon in time of need except the Sheriff's Department which was overworked and under staffed; and

WHEREAS these hearty and dedicated gentlemen dedicated themselves to this worthy cause, even to the extent that they begged and skimped for makeshift equipment and supplies so that their dream would become a reality; and

WHEREAS from this humble origin, the Chilton County Rescue Squad has achieved greatness and is now recognized as one of the finest in the state; and

WHEREAS the men who have served as members of this fine unit through the years have possessed those admirable qualities of determination, perserverance, faith and dedication to service and have time and again rendered to their fellow man unselfish help in time of crisis; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend and congratulate the Chilton County Rescue Squad upon the celebration of its 20th Anniversary and long may this squad exist and be recognized for its record of patriotic and unselfish service.

RESOLVED FURTHER, That a copy of this resolution be sent to the Chilton County Rescue Squad.

On motion of Mr. Smith (C), the rules were suspended and the resolution H. J. R. 390, was adopted.

SPECIAL ORDER RESUMED

And the bill:

H. 604. (With Substitute) (With Amendment): To provide for the payment of the medical and hospital expenses of certain public employees resulting from injuries received in the line and scope of their duties and for the payment of their usual salaries or other compensation during the time they are disabled because of such injuries, and to authorize and direct the employing governmental agencies to pay or provide for the payment of such expenses and salaries.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Local Government, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for the coverage of the employees of all counties and certain municipalities under the provisions of the Workmen's Compensation Law; and for this purpose amending the Code of Alabama 1940, Title 26, Section 263.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this act, the provisions of the Code of Alabama 1940, Title 26, Chapter 5, shall be applicable to the employees of all counties and all municipalities having populations greater than 2,000 according to the most recent federal decennial census, and the provisions of the Workmen's Compensation Law shall govern in their employment. The governing body and the employees of all counties and each municipality covered under the provisions of this act shall have available to them all the rights and remedies provided under Workmen's Compensation Law. The provisions of this act shall in no way limit any county or municipality that had previously elected to cover its employees under the Workmen's Compensation Law. The governing body of all counties and of each municipality covered under the provisions of this act shall file all necessary employer reports and notices required at the times and in the manner prescribed in the Workmen's Compensation Law.

Section 2. The Code of Alabama 1940, Title 26, Section 263, as last amended, is hereby further amended to read as follows:

"Section 263. Articles 1 and 2 of chapter not applicable to certain employments. Articles 1 and 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter, or to persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than four employees in any one business or to any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district. Any employer who regularly employs less than four employees in any one business, any farmer, or any municipalities having populations of less than 2,000 according to the most recent federal decennial census or school district may accept the provisions of articles 1 and 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of

said employer and provided further, that any employer who has so elected to accept the provisions of articles 1 and 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal."

Section 3. The provisions of this act are supplemental and shall not be construed to repeal any laws not directly inconsistent herewith.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective 60 days after its passage and approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lockett, McMillan, McNair, McNees, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Taylor, Trammell, Tucker, Turnham, Venable, Warren, White and Wyatt.

—59

S. 245 SUBSTITUTED FOR H. 604

On motion of Mr. Malone, the bill, S. 245, was substituted for the bill, H. 604 as amended.

And the bill:

S. 245. Providing for the coverage of the employees of all counties and certain municipalities under the provisions of the Workmen's Compensation Law; and for this purpose amending the Code of Alabama 1940, Title 26, Section 263.

Was read a third time at length and passed.

Yeas 72; Nays 1.

Yeas:

Mr. Speaker, Andrews, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Riddick, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Warren, White and Wyatt.

—72

Nay: Mr. Cross.

—1

H. 604 INDEFINITELY POSTPONED

On motion of Mr. Malone, the bill, H. 604, was indefinitely postponed.

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H. 1446 RECONSIDERED

Having voted on the prevailing side, Mr. Gafford moved to reconsider the vote by which the bill, H. 1446 was lost, and the motion was adopted.

Yeas 11; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Falkenburg, Gafford, Hopping, Jolly, Moore (O), Sandusky, Trammell, Waggoner and White.

—11

Nays:

Messrs.: Hall, Harrison, Jackson (R), Leonard, McNair, Porter and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1446. To amend further the Title and Article III, Sections 3.01, 3.02, 3.09; Article IV, 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, 4.07, 4.08 and 4.09 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 (Acts of 1955, p. 1004), as amended, providing a Mayor-Council form of government for cities having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census, so as to provide for the election of the members of the Council from districts, defined as herein directed; and to provide further for the election, term and qualification of candidates for the offices of Mayor, Vice-Mayor, and Councilman; to provide further for filling vacancies in the offices of Mayor, Vice-Mayor and Councilman.

Was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 10; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Falkenburg, Gafford, Hopping, Jolly, Moore (O), Trammell, Waggoner and White.

—10

Nays:

Messrs.: Hall Harrison, Jackson (R), Leonard, McNair, Porter and Tucker.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Mr. Jackson (R):

H. J. R. 391. COMMENDING AND MEMORIALIZING DR. FREDERICK D. PATTERSON, FOUNDER AND HONORARY PRESIDENT OF THE UNITED NEGRO COLLEGE FUND.

WHEREAS, Dr. Frederick Douglas Patterson did in 1943 found the United Negro College Fund for the assistance of private, non-state supported black colleges and universities; and

WHEREAS, Dr. Frederick Douglas Patterson served with distinction and honor as President of Tuskegee Institute from 1933-1953; and

WHEREAS, It was during Dr. Patterson's tenure as President of Tuskegee Institute that he gave birth to the idea that black institutions of higher learning through the assistance of private enterprise, foundations, alumni of member colleges and other interested individuals could provide the financial assistance necessary to maintain and develop those member colleges; and

WHEREAS, Dr. Patterson has devoted all of his life to the pursuit of academic excellence and the betterment of education for black students throughout this nation; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the legislature does commend Dr. Frederick Douglas Patterson on his educational achievements and for his perceptive insight and innovative thinking in founding the United Negro College Fund.

On motion of Mr. Jackson (R), the rules were suspended and the resolution, H. J. R. 391, was adopted.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Albright, to suspend the rules in order to bring up out of order the bill, H. 1155, was lost.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Mitchem offered the motion to reconsider the vote by which the bills, H. 1864, H. 1865, H. 1866 and H. 1867, were postponed to the thirty-third legislative day, and the motion was adopted.

And the bill:

H. 1864. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Was taken up.

Mr. Mitchem offered the following amendment No. 1 to the bill:

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Amend House Bill 1864 by deleting Section 13 on page 6 and 7 as it appears in the bill and add in lieu thereof the following:

Section 13. Expenditures from the road and bridge fund provided for in Section 12, shall be made for matching state highway department funds or federal funds or on a non-matching basis by the county for the construction, maintenance and repair of roads and bridges in DeKalb County which are under contract with the state highway department or a private contractor who has complied with the state competitive bid laws.

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

Mr. Mitchem offered the following amendment No. 2 to the bill, H. 1864 as amended:

On page 1, in the title, on line 19, after the word "county", insert the following:

, except diesel fuel used for any purpose whatsoever

On page 3, Section 2, line 10, after the words "authority to levy any tax upon any", insert the following phrase:

diesel fuel used for any purpose whatsoever, or

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

Mr. Mitchem offered the following amendment No. 3 to the bill, H. 1864 as amended:

on page 2, Section 2, line 21, after the word "substitutes" insert the following:

, except diesel fuel used for any purpose whatsoever,

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

Mr. Killian offered the following amendment to the bill, H. 1864 as amended:

Amend House Bill 1864 by adding the following Section 14 on page 7 and renumbering subsequent sections accordingly:

Section 14. Provided, however, that nothing contained herein shall be construed to prohibit or restrict the County Commission from making grants to municipalities within the county for road work but if any grant is made to any municipality a pro rata grant based on population must be made to all municipalities within the county at the same time.

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

And the bill:

H. 1864. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county, except diesel fuel used for any purpose whatsoever; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

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As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

And the bill:

H. 1865. To limit the use of public road and bridge funds of DeKalb County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

And the bill:

H. 1866. Relating to DeKalb County; authorizing the DeKalb County Commission to levy an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

And the bill:

H. 1867. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, McCluskey, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

SPECIAL ORDER RESUMED

The bill, H. 525, was called, and on motion of Mr. Robertson, the bill, S. 441, was substituted for the bill, H. 525.

And the bill:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between fire-fighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Was taken up.

Mr. Robertson offered the following amendment to the bill:

Amend Senate Bill 441 in the title by striking therefrom page one on lines 27, 28 and 29 the following words and figures:

“to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77;

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Folmar, Ford, Glass,

REGULAR SESSION
32nd Day

3401

Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, McCluskey, McMillan, McNees, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Turnham, Venable, Warren, Weeks and Wyatt.

—58

Mr. Harrison offered the following amendment to the bill, S. 441 as amended:

Amend Senate Bill 441 page 6 by deleting lines 26-32 entirely.

And the amendment was adopted.

Yeas 50; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Campbell, Cates, Coburn, Cooper, Cross, Drake, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Hopping, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McMillan, Manley, Moore (O), Owens, Pegues, Plaster, Quarles, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—50

Nays:

Messrs.: Glass and McNair.

—2

MOTION TO POSTPONE TABLED

On motion of Mr. Robertson, the motion offered by Mr. Holmes to postpone the bill, S. 441 as amended, to the thirty-third legislative day, was tabled.

Yeas 44; Nays 10.

Yeas:

Messrs.: Baker, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cross, Crowe, Drake, Folmar, Ford, Glass, Goodwin, Hall, Higginbotham, Hopping, Jolly, Killian, Kinsey, Lee, Lockett, Malone, Martin, Moore (O), Moore (W), Naramore, Owens, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (C), Sonnier, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—44

Nays:

Messrs.: Barron, Coburn, Holmes, Leonard, McMillan, McNair, Manley, Pegues, Riddick and Tucker.

—10

Mr. Lutz offered the following amendment to the bill, S. 441 as amended:

Amend S. B. 441 by striking the figure "21" where it appears on line 33 at Section 7 on page 5 and substituting the figure "19".

And the amendment was adopted.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Carter, Cates, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (R), Jolly, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—68

And the bill, S. 441 as thus amended, was read a third time at length and passed.

Yeas 66; Nays 9.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Harris, Higginbotham, Hines, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (W), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Taylor, Trammell, Turman, Venable, Waggoner, Warren, Weeks and Wyatt.

—66

Nays:

Messrs.: Barron, Hilliard, Holmes, Leonard, McNair, Manley, Merrill, Pegues and Riddick.

—9

And the bill:

H. 525. (With Amendment): To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Was taken up.

H. 525 INDEFINITELY POSTPONED

On motion of Mr. Robertson, the bill, H. 525 with pending amendment, was indefinitely postponed.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Robertson to suspend the rules in order to bring up out of order the bill, H. 519, was lost.

SPECIAL ORDER RESUMED

And the bill:

S. 299. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

As amended on the thirty-first legislative day, was read a third time at length and passed.

Yeas 52; Nays 21.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crowe, Edwards, Falkenburg, Ford, Glass, Greer, Hall, Hines, Hopping, Johnson, Jolly, Kelley, Killian, Lee, LeFlore, Lewis, Lockett, McCulley, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Owens, Plaster, Porter, Quarles, Reed, Rich, Sandusky, Sasser, Smith (B), Sparks, Taylor, Turnham, Venable, Waggoner, Weeks and White.

—52

Nays:

Messrs.: Barron, Boles, Coburn, Cross, Folmar, Goodwin, Harris, Harrison, Higginbotham, Holmes, Johnstone, Kinsey, Leonard, McMillan, Moore (O), Pegues, Roberts, Sonnier, Trammell, Warren and Wyatt.

—21

And the bill:

H. 253. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

Was taken up.

H. 253 INDEFINITELY POSTPONED

On motion of Mr. Owens, the bill, H. 253, was indefinitely postponed.

And the bill:

H. 659. To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for capital outlay purposes.

Mr. Ford offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations from the state treasury to the use of the Board of Trustees of Auburn University located in Auburn, Alabama for

capital outlay purposes, and to the State Board of Education for capital outlay purposes at certain junior colleges and certain state technical colleges.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other appropriations heretofore made to Auburn University located in Auburn, Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of Auburn University located in Auburn, Alabama, to be used for capital outlays and capital improvements only, the following amounts for the specific projects:

- | | |
|---|--------------|
| a. To build a new Engineering Building on the main campus | 5,000,000.00 |
| b. To build a new Vocational Teacher Training Center on the main campus | 2,200,000.00 |
| c. To relocate the Department of Buildings and Grounds | 1,350,000.00 |

Section 2. In addition to all other appropriations heretofore made to the State Board of Education, there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to the use of the said Board of Education, to be used for capital outlays and capital improvements only, for the development of certain state junior colleges and certain state technical schools the following amounts:

- | | |
|--|---------------|
| a. For capital outlays and capital improvements for state technical colleges | 15,000,000.00 |
| b. For capital outlays and capital improvements for state junior colleges | 15,000,000.00 |
| c. University of Alabama of Tuscaloosa Continuing Education Bldg. and Alumni Affairs | 6,000,000.00 |

Section 3. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940.

Section 4. This Act shall become effective October 1, 1975.

H. 659 TEMPORARILY CARRIED OVER

On motion of Mr. Turnham, the bill, H. 659, was temporarily carried over.

Yeas 66; Nays 11.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Carothers, Cates, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Harrison, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Naramore, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Waggoner, Warren, Weeks, White and Wyatt.

Nays:

Messrs.: Dial, Hall, Lee, Leonard, Lutz, McNair, Martin, Mitchem, Pegues, Porter and Smith (M).

—11

The bill, H. 286, was called and on motion of Mr. McMillan, the bill, S. 430, was substituted for the bill, H. 286.

And the bill:

S. 430. To amend the Code of Alabama 1940, Title 12, Section 115 relating to claims against the County so as to remove the requirement that claims be sworn to.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, Malone, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks and Wyatt.

—71

And the bill:

H. 286. To amend Section 115 of Title 12, Code of Alabama 1940.

Was taken up.

H. 286 INDEFINITELY POSTPONED

On motion of Mr. McMillan, the bill, H. 286, was indefinitely postponed.

The bill, H. 415 was called and on motion of Mr. Mitchem the bill, S. 450, was substituted for the bill, H. 415.

And the bill:

S. 450. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Was read a third time at length and passed.

Yeas 82; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hines, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—82

And the bill:

H. 415. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

Was taken up.

H. 415 INDEFINITELY POSTPONED

On motion of Mr. Mitchem, the bill, H. 415, was indefinitely postponed.

And the bill:

H. 1846. To amend Act No. 1265, H. 360, Regular Session 1971 (Acts 1971, p. 2194), which act pertains to the legal possession of certain quantities of alcoholic beverages in certain places, so as to provide further for those places in which such beverages can be legally possessed.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 33; Nays 29.

Yeas:

Messrs.: Albright, Armstrong, Callahan, Carothers, Cates, Clark, Falkenburg, Folmar, Glass, Harris, Hill, Hines, Holmes, Hopping, Johnstone, Kelley, Lee, LeFlore, Lockett, Lutz, McMillan, Manley, Martin, Merrill, Moore (O), Plaster, Reed, Sasser, Smith (B), Venable, Waggoner, Weeks and Wyatt.

—33

Nays:

Messrs.: Andrews, Barron, Brindley, Carter, Coburn, Cross, Dial, Drake, Ford, Goodwin, Hall, Howard, Johnson, Killian, Lewis, McNees, Mitchem.

Pegues, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (C), Sonnier, Sparks, Taylor and Warren.

—29

And the bill:

H. 1778. (With Substitute): To make an appropriation from the general fund of the State Treasury to the Alabama Historical Commission of the sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00) to be used for the purpose of fully restoring Fort Toulouse and to develop the Fort Toulouse Complex.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make a conditional appropriation from the general fund of the State Treasury to the Alabama Historical Commission of the sum of Five Hundred Thousand (\$500,000.00) to be used for the purpose of fully restoring Fort Toulouse and to develop the Fort Toulouse Complex.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature recognizes that the restoration of Fort Toulouse is of vital concern to the citizens of Alabama and of the nation because of its important historical significance. The Legislature also recognizes that upon completion of the restoration the Fort will be the only Vauban Fortress of its type of construction existing in the world. It is further recognized that restoration of Fort Jackson at the site of the original French Fort will be the only authentic Jacksonian Fort in the world. The Legislature also recognizes that there are three Indian villages, numerous Indian gravesites, an early United States military cemetery and a prehistoric ceremonial Indian pyramid located on the acreage under the control of the State which would be developed as part of the complex. The Legislature has heretofore, in Act No. 20, Third Special Session 1975, made the restoration of Fort Toulouse one of the two official statewide Bi-Centennial Projects of the State and in order to implement this restoration for the Bi-Centennial Year, funds must now be appropriated. It is also recognized that because of the rapid deterioration of the site of the Fort due to erosion and vandalism that it is necessary that the full restoration be undertaken immediately.

Section 2. In addition to all other funds heretofore appropriated, or hereafter appropriated, for the ensuing fiscal year to the Alabama Historical Commission, there is hereby appropriated out of the general fund of the State Treasury the sum of Five Hundred Thousand Dollars (\$500,000.00) for the fiscal year ending September 30, 1976, to the Alabama Historical Commission for use by the said Commission in restoring Fort Toulouse and the land area thereunto; such restoration to include, but shall not be limited to, the reconstruction of the palisade walls of the original fort, the barracks and other buildings located within the fort, the reconstruction of Fort Jackson, the beautification of the grounds, including filling, sodding and development of roads and parking areas, the construction of an archaeological museum and laboratory building, the excavation and reconstruction of the prehistoric Indian pyramid and the location and development of the Indian villages, gravesites and the United States military cemetery. The appropriation made herein is condi-

tional upon the condition of the general fund, as ascertained by the Governor, and shall be released only upon orders from the Governor. Any funds not expended during said fiscal year shall not revert but shall be used in the ensuing fiscal years for maintenance and additional improvements of the site and complex.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks and Wyatt.

—73

And the bill:

H. 1778. To make a conditional appropriation from the general fund of the State Treasury to the Alabama Historical Commission of the sum of Five Hundred Thousand (\$500,000.00) to be used for the purpose of fully restoring Fort Toulouse and to develop the Fort Toulouse Complex.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hines, Hopping, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—74

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 185. Regulating further the licensing of passenger vehicles and pickup trucks to provide for the issuance of semi-permanent license plates with a tab or other device indicating the payment of the license tag for the current year.

Also:

S. 415. To amend section 282, 283, 284, 287, 292, 297 and 300 of Title 28, Code of Alabama 1940, §295 of Title 28, Code of Alabama 1940, as amended by Act No. 2800, Regular session 1971, (Acts of 1971, p. 3711, et. seq.), and Section 2 of Act No. 603, Regular Session 1957 (Acts of 1957, p. 862), as amended by Act No. 221, Regular Session 1967 (Acts of 1967, p. 589) (now appearing as Section 287, (3), Title 28, Code of Alabama 1940, as Recompiled 1958), all of which provide for credit unions in Alabama, so as to provide for supervision by the superintendent of banks, to provide further for examination fees, to provide further duties for the supervisory committee, and to provide for a policy as concerns loans to directors and officers.

Also:

S. 457. Relating to the weighing of livestock at public livestock markets which requires persons operating scales to obtain an annual permit from the Commissioner of Agriculture and Industries and to be bonded: to amend Section 2 of Act No. 169, H. 238, Legislature of 1959, approved September 23, 1959 (Acts of 1959, Vol. 1, p. 693) by fixing the amount of the annual permit fee to be paid by persons who operate scales upon which livestock are weighed at livestock markets which amount shall be ten dollars (\$10.00); to prescribe the effective date of this Act.

Also:

S. 797. To further amend and reenact Act No. 422, H. 325, 1951 Regular Session (Acts of 1951, p. 745), as amended, entitled "An Act To Regulate through licensure the business, occupation, or calling of real estate brokers, and real estate salesmen: defining terms; creating the Alabama Real Estate Commission, and prescribing the jurisdiction, authority, powers and duties thereof; fixing the qualifications of real estate brokers and real estate salesmen and prescribing the procedure for obtaining a license to engage in such business, occupation, or calling, providing for the suspension or revocation of licenses issued; providing penalties for violations of this Act or rules, regulations, and orders issued under the authority thereof; making appropriations; and repealing conflicting laws".

Also:

S. 1162. To regulate and control the sale of alcoholic beverages in Madison County, Alabama; to authorize the City of Triana in said County to regulate and control the sale of alcoholic beverages within the corporate limits and the police jurisdiction thereof; to provide for the reclassification of existing retail malt and brewed beverages and retail liquor licenses; to provide that nothing herein shall relieve any licensee from complying with all of the laws of the State of Alabama and the rules and regulations of the Alcoholic Beverage Control Board of the State of Alabama pertaining to said licensee; to provide that licensees have all required food handling permits from the Madison County Department of Public Health; to regulate the hours of retail liquor and retail malt or brewed beverage establishments within said County; to provide for the prompt reporting of all assaults, assault and batteries, affrays, and other altercations occurring upon licensed premises; and providing for penalties.

Also:

S. J. R. 110. Honoring Chief Claude Carr.

Also:

S. J. R. 114. Congratulating McMillan Lane.

Also:

S. J. R. 115. Commending the Birmingham Area Council of Camp Fire, Inc.

Also:

S. J. R. 119. Commending and Congratulating Leaborne L. Eads.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

H. 94 RECONSIDERED

Having voted on the prevailing side, Mr. Venable offered the motion to reconsider the vote by which the bill, H. 94 as amended, was lost, and the motion was adopted.

Yeas 72; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Moore (O), Naramore, Owens, Plaster, Porter, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks and Wyatt.

—72

Nays:

Messrs.: Cates and Mitchem.

—2

And the bill:

H. 94. Proposing an amendment to the Constitution of Alabama relating to the travel expenses to be paid members of the legislature.

As amended, was again read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cooper, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks and Wyatt.

—69

Nays:

Messrs.: Andrews, Cates, Cross, Edwards, Hines, Lockett, McMillan, Mitchell, Pegues, Smith (C), Tucker and Warren.

—12

SPECIAL ORDER RESUMED

And the bill:

H. 1646. (With Substitute) (With Amendment): Relating to elections; amending the law relating thereto by amending, deleting, or adding sections as follows and divided into ten chapters:

Chapter 1—time of elections

Repeals sections 65 through 74 relating to officers to be elected at each general election and adds a new section establishing the date of the general election;

Chapter 2—new duties of the secretary of state

adds a new section that the secretary of state shall publish a handbook for election officials; and amends section 186 to provide that the secretary of state shall prescribe standard election forms;

Chapter 3—voting centers

amends section 84 to allow county governing bodies to establish voting centers at which voters may vote at any machine, providing for the number and selection of personnel at such centers and their duties, election procedure, and repealing inconsistent local acts;

amends section 120 so as not to conflict with voting center provisions regarding the number of election officials needed at the polls;

Chapter 4—voting machines

amends sections 91, 92, 94, 97, 101, 102, 112, 113 to prohibit the use of paper ballots after 1980 and to allow counties to choose either electro-mechanical voting machines or electronic voting systems; defining terms; establishing standards for such machines; abolishing referenda on the use of such machines; establishing preliminaries to opening the polls, the conduct of elections, and the closing of the polls when using either type of machine; and generally making provisions now regarding electro-mechanical machines applicable to electronic voting systems; and repealing inconsistent local acts;

repeals sections 93, 95, 96, 111, and Act 409, 1943 Regular Session;

amends section 103 to provide that election officials must attend training on voting machines only once each twelve months;

amends section 112 to allow voters waiting to vote at the close of the polls to vote;

adds a new section to require the probate judge to open voting machines to allow inspection thereof after the election;

repeals (effective 1980) sections 193, 194, 195, 196, 197, and Act 800, 1951 Regular Session;

amends section 198 to raise the compensation of election officials;

Chapter 5—voting hours

adds a new section to allow each county government to establish voting hours for the county; providing for notice of such hours; and repealing inconsistent local acts;

amends sections 131 and 132 to require election officials to come to polls one hour before polls open;

repeals section 172;

adds a new section to allow persons waiting to vote at the close of the polls to vote;

Chapter 6—placing names on ballot

amends section 145 to provide that party chairman must certify nominees to the probate judge 21 days prior to the election; to provide that independent candidates must qualify by petition before the date of the primary; to set the number of signatures needed on such petition; and to prohibit any primary candidate from running as an independent candidate for the same office;

repeals Act ———, 1967 Special Session;

Chapter 7—challenge oaths

amends sections 188 and 189 to simplify the challenge ballot oaths in conformity with present registration requirement;

Chapter 8—canvass procedures

amends section 197 to require returns to be made immediately upon completion of the count no later than 10 a.m. on the day following the election;

amends section 199 to require the board of election supervisors to canvass returns at noon on the day following the election;

amends section 200 to delete a reference to member of the house of representatives as county officers;

amends section 201 to require county canvass to be sent to the secretary of state immediately upon completion by certified mail and generally combining sections 202, 203, 205, and 212, which are repealed;

amends section 204 to change a reference from section 203 to section 201;

repeals sections 209, 210, 211, and 223;

Chapter 9—contests and challenges

amends sections 231, 236, 237, 238, 250, 252, and 253, repeals sections 239 through 248 and 254 through 267, and adds two new sections to unify the election contest procedures, to provide that a miscount or mistabulation of votes is a grounds of challenge, establishing the composition and venue of the special circuit court to hear contests, providing for the place of filing complaints, requiring a specification of the evidence, requiring and establishing the amount of security for costs, providing for appeals and costs of appeals;

adding new sections regarding contests of primary nominations and challenges to primary candidates; defining terms; setting the time for

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contest or challenges; who may file; with whom filed; by whom heard; contents of petition; procedure; appeal to the supreme court

repeals section 368 and sections 373 through 392;

Chapter 10—Miscellaneous

repeals sections 136, 137, 138, 141, 220, 228, 229, 230, Act 154, 1961 Special Session and Act 105, 1965 Special Session;

amends sections 77 and 80 to allow the county governing body to change voting district lines at any regular meeting;

amends section 154 to establish a uniform order for listing offices on the ballot;

amends section 168 to require the probate judge to preserve certificates and petitions of nomination for one year;

amends section 170 to require only 105 paper ballots per 100 voters at each polling place;

amends section 227 to raise the compensation of presidential electors;

repealing inconsistent acts; providing for an effective date; and providing for the severability of the act.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to elections; amending the law relating thereto by amending, deleting, or adding sections as follows and divided into ten chapters;

Chapter 1—time of elections

Repeals sections 65 through 74 relating to officers to be elected at each general election and adds a new section establishing the date of the general election;

Chapter 2—new duties of the secretary of state

adds a new section that the secretary of state shall publish a handbook for election officials; and amends section 186 to provide that the secretary of state shall prescribe standard election forms;

Chapter 3—voting centers

amends section 84 to allow county governing bodies to establish voting centers at which voters may vote at any machine, providing for the number and selection of personnel at such centers and their duties, election procedure, and repealing inconsistent local acts;

amends section 120 so as not to conflict with voting center provisions regarding the number of election officials needed at the polls;

Chapter 4—voting machines

amends sections 91, 92, 94, 97, 101, 102, 112, 113 to prohibit the use of paper ballots after 1980 and to allow counties to choose either electro-

mechanical voting machines or electronic voting systems; defining terms; establishing standards for such machines; abolishing referenda on the use of such machines; establishing preliminaries to opening the polls, the conduct of elections, and the closing of the polls when using either type of machine; and generally making provisions now regarding electro-mechanical machines applicable to electronic voting systems; and repealing inconsistent local acts;

repeals sections 93, 95, 96, 111, and Act 409, 1943 Regular Session;

amends section 103 to provide that election officials must attend training on voting machines only once each twelve months;

amends section 112 to allow voters waiting to vote at the close of the polls to vote;

adds a new section to require the probate judge to open voting machines to allow inspection thereof after the election;

repeals (effective 1980) sections 193, 194, 195, 196, 197, and Act 800, 1961 Regular Session;

amends section 198 to raise the compensation of election officials;

Chapter 5—voting hours

adds a new section to allow each county government to establish voting hours for the county; providing for notice or such hours; and repealing inconsistent local acts;

amends sections 131 and 132 to require election officials to come to polls one hour before polls open;

repeals section 172;

adds a new section to allow persons waiting to vote at the close of the polls to vote;

Chapter 6—placing names on ballot

amends section 145 to provide that party chairman must certify nominees to the probate judge 21 days prior to the election; to provide that independent candidates must qualify by petition before the date of the primary; to set the number of signatures needed on such petition; and to prohibit any primary candidate from running as an independent candidate for the same office;

repeals Act ———, 1967 Special Session;

Chapter 7—challenge oaths

amends sections 188 and 189 to simplify the challenge ballot oaths in conformity with present registration requirements;

Chapter 8—canvass procedures

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amends section 199 to require the board of election supervisors to canvass returns at noon on the day following the election;

amends section 200 to delete a reference to member of the house of representatives as county officers;

amends section 201 to require county canvass to be sent to the secretary of state immediately upon completion by certified mail and generally combining sections 202, 203, 205, and 212, which are repealed;

amends section 204 to change a reference from section 203 to section 201;

repeals sections 209, 210, 211, and 223;

Chapter 9—contests and challenges

amends sections 231, 236, 237, 238, 250, 252, and 253, repeals sections 239 through 248 and 254 through 267, and adds two new sections to unify the election contest procedures, to provide that a miscount or mistabulation of votes is a grounds of challenge, establishing the composition and venue of the special circuit court to hear contests, providing for the place of filing complaints, requiring a specification of the evidence, requiring and establishing the amount of security for costs, providing for appeals and costs of appeal;

adding new sections regarding contests of primary nominations and challenges to primary candidates; defining terms; setting the time for contests or challenges; who may file; with whom filed; by whom heard; contents of petition; procedure; appeal to the supreme court.

repeals section 368 and sections 373 through 392;

Chapter 10—Miscellaneous

repeals sections 136, 137, 138, 141, 220, 228, 229, 230, Act 154, 1961 Special Session and Act 105, 1965 Special Session;

amends sections 77 and 80 to allow the county governing body to change voting district lines at any regular meeting;

amends section 154 to establish a uniform order for listing offices on the ballot;

amends section 168 to require the probate judge to preserve certificates and petitions of nomination for one year;

amends section 170 to require only 105 paper ballots per 100 voters at each polling place;

amends section 227 to raise the compensation of presidential electors;

repealing inconsistent acts; providing for an effective date; and providing for the severability of the act.

Be It Enacted by the Legislature of Alabama:

Chapter 1—Time of General Election

Section 1. Code of Alabama 1940, Title 17, Sections 65, 66, 67, 68, 69, 70, 71, 72, 73 and 74 are hereby repealed.

Section 2. General elections at which all public officers, excluding political party officers, and municipal officers, shall be held on the first Tuesday following the first Monday in November of 1976 and each second year thereafter, unless otherwise provided by law.

Chapter 2—New Duties of Secretary of State

Section 3. The Secretary of State shall, with funds provided by the Legislature, before March 1, 1976, publish an election official's handbook for poll officials and election officers which sets out, officer by officer,

the duties and responsibilities of each officer involved in the conduct of elections, and a handbook for candidates at a fee to be set by the Secretary of State. Copies of each handbook shall be reviewed and approved by the Attorney General after which the same shall be distributed to each probate judge to be made available for use by poll officials and election officers in the performance of their duties and made available for sale to any person. The Secretary of State shall revise and update the handbooks whenever necessary to insure that the information contained therein is current and correct.

Section 4. Code of Alabama 1940, Title 17, Section 186 is amended to read as follows:

"Section 186. The Secretary of State shall, not later than March 1st of each election year, prescribe standardized blank poll lists, certificates of results, oaths, and any other stationery or blank forms necessary in the conduct of elections, and such standardized forms shall be used exclusively in every election within the state until March 1st of the next election year. The judge of probate for each county shall have printed, at the expense of the county, ballots and such standardized blank forms or other stationery as the Secretary of State shall prescribe. The judge of probate shall also superintend and insure the delivery by the sheriff to the inspectors of the election of the ballots, blank poll lists, certificates of results, oaths and other stationery or blank forms necessary in the conduct of the elections."

Chapter 5—Voting Centers

Section 5. Code of Alabama 1940, Title 17, Section 84 is amended to read as follows:

"Section 84(1). Definitions—Unless a contrary intent appears from the context, as used in this section the word 'election' means any general, special, or primary election held in the county, including a district, municipal, county, state or federal election; and the term 'voting center' means any place in the county which the county governing body designates as a place where a voting machine or voting machines will be maintained or operated at elections.

"(2). The courts of county commissioners, or boards of revenue, or other governing bodies of said counties, shall designate the places of holding elections in the election districts established hereunder, and whenever the county governing body has alphabetically divided the list of registered qualified voters of a precinct or district into groups it shall designate not only the voting place but also the number of boxes or voting machines at each voting place in the precinct or district, being sure that it designates a box or machine for each group of qualified voters. The county governing body is hereby specifically authorized to provide for installing as many boxes or machines as are needed in each precinct and such boxes or machines may be installed at one designated voting place in a district or there may be more than one voting place designated and such number of boxes or machines installed at each place as needed to provide for the voters authorized to vote at each such place. The county governing body shall file with the judge of probate of the county along with a copy of its order fixing the boundaries of a precinct or district, the names of places designated for voting, indicating in those precincts or districts in which the voters have been alphabetically divided into groups the voting places and boxes or voting machine at which each alphabetical group shall vote, and shall also post such list of voting places at the courthouse door of such county.

"(3) (a). Subject to the provisions of subsection (b), when the use of the voting machines at elections in a county has been or shall here-

after be authorized, the county governing body of the county shall have the authority to designate a voting center or voting centers in the county. The order so designating voting centers shall state (1) the location of the voting center and (2) the boundaries of the territory in which electors shall reside to be entitled to vote at said voting center. A copy of this order shall be posted at the courthouse door. The limitations prescribed by law as to the number of electors who may reside in a voting district shall not apply to a territory designated hereunder. All of the territory designated for a voting center shall be located in the same precinct; and the voting center designated therefor shall be located in the territory. The county governing body may by order abolish a voting territory and discontinue the voting center therein or may extend or restrict the boundaries of such voting territory and retain the voting center therein, or may subdivide such voting territory and designate an additional voting center therein. (b) Except as herein expressly provided, in designating voting centers and the territory for which they were established, the county governing body shall be subject to all other laws applicable to the governing body of a county, regarding the change or establishment of the districts of a precinct, including but not limited to the provisions of this act.

"(4) (a) The voting list of any territory which is furnished the election officers serving at the voting center designated for such territory shall contain the names of all qualified electors of the territory on a single roll; however, when the roll contains more than twenty-four hundred names the list of qualified electors of roll shall be divided into alphabetical sections of not more than twenty-four hundred names per section. Except as herein otherwise provided, the laws applicable to the preparation, distribution, publication and checking of qualified lists shall apply to the poll list of a territory for which a voting center has been established by the county governing body pursuant to authority hereby conferred. (b) No elector shall vote at any voting center other than the voting center of the territory of which he is a qualified elector, but any elector eligible to vote at a voting center may vote on any voting machine maintained at such voting center, upon presentation of the identification card issued to him by an election officer serving at such voting center.

"(5) The county governing body shall determine the number of voting machines deemed necessary to serve adequately the voters at an election, taking into consideration the nature or character of the election; provided, however, that at each election there shall be maintained at each voting center at least one voting machine for each six hundred registered electors, or fraction thereof, residing in the territory served by the voting center designated for said territory. At least twenty days prior to the time when the election officers for an election are required to be appointed, the county governing body shall in writing inform the officers whose duty it is to appoint said election officers of the number of voting machines which will be maintained at the respective voting centers during the forthcoming election; and the officers whose duty it is to appoint election officers shall appoint the number of election officers for the respective voting centers required hereby to conduct elections in which the number of voting machines, shown in the statement of the county governing body will be maintained.

"(6) (a) For each voting center where only one voting machine is to be used, the election officials shall consist of an inspector, a chief clerk and two assistant clerks. For each voting center where more than one voting machine is to be used there shall be appointed one chief inspector who shall supervise the conduct of the other officials and the operation of the voting center, one inspector and one chief clerk, and for each voting machine to be used at such center there shall be appointed two as-

sistant clerks. For each voting center where four or more voting machines are to be used there may be appointed two additional assistant clerks for each group of four voting machines or fraction thereof. (b) The election officers provided for herein shall be appointed by the same officers that appoint other election officers. They shall perform all duties imposed on election officers by the general law and in addition thereto the following duties: One of the election officers shall be assigned to each section of the voting list and such election officer shall issue to each elector at the time he checks the name off the list of qualified electors an identification card, which shall be presented to the assistant clerk in charge of the voting machine and surrender to him when the voter enters the voting machine. The identification cards shall each have printed on them the words 'voter identification card', and they shall contain a space in which shall be entered the signature of the election officer who delivers the card to the elector. The identification cards shall bear neither a number nor the name of a voter. Identification cards shall be procured by the same officer who procures other election supplies and shall be paid for from the same funds that the cost of other election supplies are paid. (c) The assistant clerk in charge of the voting machine shall require that each voter sign at the machine a poll list before he is allowed to enter the machine to vote. A separate poll list of persons casting challenged votes shall be kept by the officials. Poll list shall be signed or the name of the voter recorded as provided in Act No. 201, approved July 16, 1953, section 175(1), Title 17, Code of Alabama 1940. (d) The chief inspector, inspector or chief clerk and no less than two assistant clerks shall certify on each statement of canvass form the certificates as provided in sections 102 and 112, Title 17, Code of Alabama. The chief inspector, inspector or chief clerk shall certify on each statement of canvass form the total number of votes cast on all machines at the voting center and the total number of electors' names recorded on the poll lists at such voting center. Election officers provided for by this subdivision shall be compensated for their services in the same manner and at the same rates provided by law for election officers where voting machines are used. (e) It shall be the duty of all election officials to see that order is maintained in the polling place. The inspector shall see that the returns are filled out for each voting machine as required by law and delivered to the proper officials, and that the records of the election relating to each machine are enclosed respectively in each machine, and that the list of qualified voters, challenged ballots, and one copy of each challenged oath and any other records relating to the election in general are enclosed in an appropriate voting machine."

Section 6. All local acts or general acts of local application inconsistent with the foregoing section are hereby superceded or repealed.

Section 7. Code of Alabama 1940, Title 17, Section 120 is amended to read as follows:

"Section 120. The judge of probate, sheriff and clerk of the circuit court, or a majority of them, acting as an appointing board, must, not more than twenty nor less than fifteen days before the holding of any election in their county, appoint from the qualified electors of the respective voting places three inspectors and two clerks for each place of voting, and returning officer for each precinct, to act at the place of holding elections in each precinct. Provided, however, that nothing in this section shall apply to inspectors, clerks, or other election officers at voting centers established pursuant to Section 84 of this Title, or in any precinct using voting machines."

Chapter 4—Voting Machines

Section 8. Code of Alabama 1940, Title 17, Sections 91, 92, 94, 97, 101, 102, 103, 112 and 113 are hereby amended to read as follows:

Section 91. Definitions—The words 'ballot labels' shall mean the cards, paper, booklets, pages, or other material, containing the names of offices and candidates and statements of questions to be voted on. (b) The word 'diagram' shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, offices and candidates, and statements of the questions, in their proper places, together with the voting devices therefor, and shall be considered a specimen ballot. (c) The word 'question' shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election. (d) The words 'irregular ballot' shall mean the paper or other material on which a vote is cast on a voting machine for persons whose names do not appear on the ballot label. (e) The words 'candidate counters', and 'question counters' shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively. (f) The words 'public counter' shall mean a counter or other device which shall publicly indicate how many times the machine has been operated at an election. (g) The words 'protective counter' shall mean a counter or protective device or devices that will register each time the machine is operated and shall be constructed and so connected that it cannot be reset, altered or operated, except by operating the machine. (h) The words 'voting machine booth' shall mean the enclosure occupied by the voter when voting. (i) The word 'model' shall mean a mechanically operated model of a portion of the face of an electromechanical voting machine or an electronic voting system marking device which may be used to demonstrate the correct manner of casting votes. (j) The word 'custodian' shall mean the person charged with the storing and caring for the voting machines when not in use in elections. (k) The word 'election' shall include all general, municipal, primary and special elections of any kind. (l) The word 'seal' and other words of the singular number relative thereto, shall include the plural number as applied to a voting machine, designed to be made secure with two or more seals. (m) The words 'city commission' shall mean any municipal authority by whatever name called that is legally constituted to supervise and manage the affairs of the town or city. (n) The words 'county board' shall include county commission, or any authority that is legally constituted to supervise and manage the affairs of the county. (o) The words 'official ballot' shall mean the list of offices and the candidates and the statements of questions on the voting machine or ballot. (p) The words 'voting machine' shall include electromechanical voting machines and all or any part of an electronic voting system. (q) The words 'electro-mechanical voting machines' shall mean any machine operated by the voter which uses electricity or mechanical devices to register, record, and tabulate the votes cast thereon, and includes all voting machines heretofore authorized in Alabama. (r) The words 'ballot' shall include ballot cards, ballot labels, and paper ballots. (s) The words 'ballot card' shall mean a ballot which is voted by the process of punching. (t) The words 'counting center' shall mean one or more locations used for the automatic tabulation of ballots. (u) The words 'electronic voting system' shall mean a system in which votes are recorded on a paper ballot by means of marking, or on a ballot card by means of punching, and such votes are subsequently counted and tabulated by automatic tabulating equipment at one or more counting locations. (v) The words 'automatic tabulating equipment' shall include apparatus necessary to examine and count automatically votes as designated on ballots, and data processing machines which can be used for counting ballots and tabulating results.

Section 92. The governing body of any county or municipality or other political subdivision of the state may in its discretion, by adoption of an appropriate resolution, authorize, adopt and direct the use of electro-mechanical voting machines or electronic voting systems for regis-

tering or recording and computing the vote at all elections held in such county or municipality or other political subdivision or any portion thereof without the requirement of submitting the question of the authorization and installation of voting machines or electronic voting systems to a vote of the qualified electors of such county, municipality or other political subdivision or any portion thereof. Provided that such electromechanical voting machines or electronic voting systems shall be installed and used at all elections held in this state on or after January 1, 1980, to the exclusion of any and all other systems or methods of registering or recording and computing votes.

"Section 94. Where voting machines have been adopted for any county, municipality, or other political subdivision of the state, or for any portion of such county, municipality, or other political subdivision, the county board or the city commission shall, as soon as practicable and in no case later than six months after the adoption thereof, provide for each voting ward or precinct or beat designated, one or more approved voting machines, in complete working order, and shall thereafter preserve and keep them in repair. In each voting place in which voting machines are used, the county board or city commission shall provide by rental, lease or purchase, at least one voting machine for each six hundred registered voters or fraction thereof, therein. Upon the installation of voting machines in any voting place, the use of paper ballots therein shall be discontinued, except as otherwise provided herein.

"Section 97(1). No electro-mechanical voting machine shall be installed for use in any election in this state unless it shall satisfy the following requirements: (a) It shall provide facilities for voting for such candidates as may be nominated, and upon such questions as may be submitted. (b) It shall permit each voter, at other than primary elections, to vote a straight political party ticket in one operation, and, in one operation to vote for all the candidates of one political party for presidential electors, and, in one operation, to vote for all the candidates of one political party for every office to be voted for; except those offices as to which he votes for individual candidates. (c) It shall permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all political parties from the nominees of any and all political bodies, and from persons not in nomination. (d) It shall permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, whether or not the name of such person appears upon a ballot, at other than primary elections, as a candidate for nomination or election, as many persons for an office as he is entitled to vote for, and to vote for or against any question upon which he is entitled to vote. (e) It shall preclude each voter from voting for any candidate or upon any question for whom or upon which he is not entitled to vote, and from voting for more persons or any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once. (f) It shall permit each voter to deposit, write in, or affix upon receptacles or devices provided for the purpose, ballots containing the names of persons for whom he desires to vote, whose names do not appear upon the machine except in primary elections. (g) It shall permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot labels, up to the time he begins the final operation to register his vote. (h) It shall permit and require voting in absolute secrecy and shall be so constructed that no person can see or know for whom any other elector has voted or is voting, save a voter whom he has assisted or is assisting in voting, as prescribed by law. (i) It shall have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a

party, and shall have parallel office columns or rows transverse thereto. (j) It shall have a counter or other device which shall show during any period of voting the total number of voters who have operated the machine during said period of voting. (k) It shall have a protective counter, or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism. (l) It shall be provided with a lock or locks, by the use of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented. (m) It shall be provided with a screen, hood, or curtain, which shall conceal the actions of the voter while voting. (n) It shall, when properly operated, register or record correctly and accurately every vote cast. (o) It shall be constructed of material of good quality, in a neat and workmanlike manner. (p) It shall be so constructed that a voter may readily learn the method of operating it. (q) It shall be safely transportable. (r) It shall be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing or knowing the number of voters registered for any candidate, and from tampering with any of the registering mechanism. (s) It shall be so constructed and equipped with devices or attachments as to comply with the 'single shot' provisions of the Alabama election laws whenever and wherever such provisions are applicable at elections in said state.

"(2) No electronic voting system, consisting of a marking or voting device in combination with automatic tabulating equipment, shall be acquired or used in accordance with this article unless it shall:

"(a) Provide for voting in secrecy when used with voting booths;

"(b) Permit each voter to vote at any election for all persons and offices for whom and for which he is lawfully entitled to vote; to vote for as many persons for an office as he is entitled to vote for; to vote for or against any question upon which he is entitled to vote; and the automatic tabulating equipment shall reject choices recorded on his ballot card or paper ballot if the number of choices exceeds the number which he is entitled to vote for the office or on the measure;

"(c) Permit each voter, at presidential elections, by one mark or punch to vote for the candidates of that party for President, Vice President, and their presidential electors, or vote individually for the electors of his choice;

"(d) Permit each voter, at other than primary elections, to vote for the nominees of one or more parties and for independent nominees;

"(e) Permit each voter to vote for candidates only in the primary in which he is qualified to vote;

"(f) Permit each voter to vote for persons whose names are not on the printed ballot or ballot labels;

"(g) Prevent the voter from voting for the same person more than once for the same office;

"(h) Be suitably designed for the purpose used, or durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots;

"(i) Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted;

"(j) When properly operated, record correctly and count accurately every vote cast;

"(k) Be provided with a mechanical model for instructing voters, and be so constructed that a voter may readily learn the method of operating it;

"(l) Be safely transportable, and include a light to enable voters to read the ballot labels and instructions.

"(m) The automatic tabulating equipment may be set to reject all votes for any office or measure when the number of votes therefor exceeds the number which the voter is entitled to cast or when the voter is not entitled to cast a vote for the office or measure.

"(n) It is capable of tallying votes from ballots or ballot cards of different political parties from the same precinct, in the case of a primary election.

"(o) It is capable of automatically producing precinct totals in either printed, marked, or punched form, or combination thereof.

"(2) Whenever any electronic voting system is used the ballot shall meet the following requirements:

"(a) The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots. Ballots for all questions or propositions to be voted on must be provided in the same manner and must be arranged on or in the marking device in the places provided for such purposes.

"(b) When an electronic voting system utilizes a ballot label booklet and ballot card, ballots for candidates and all propositions to be voted upon may be placed on the electronic voting device by providing in the ballot booklet separate ballot label pages or series of pages distinguished by different colors. More than one question may be placed on the same ballot label page or series of pages.

"(c) In primary elections, a separate ballot label booklet, marking device, and voting booth shall be used for each political party holding a primary, with the ballot label booklet arranged to include ballot label pages of the candidates of the party and public measures and other propositions to be voted upon on the day of the primary election. One ballot card may be used for recording the voter's vote or choice on all such ballots, proposals, public measures, or propositions, and such ballot card shall be arranged so as to record the voter's vote or choice in a separate column or columns for each such kind of question.

"(d) If the ballot label booklet includes both candidates for office and questions to be voted on, election official in charge of the election shall divide the pages by protruding tabs identifying the division of the pages and printing on such tabs 'Candidates' and 'Questions'.

"(e) Voting squares may be placed in front of or in back of the names of candidates and statements of questions and shall be of such size as is compatible with the type of system used. Ballots and ballot labels shall be printed in a size and style of type as plain and clear as the ballot spaces will reasonably permit. Tear-off stubs shall be of a size suitable for the ballots or ballot cards used and for the requirements of the marking device. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. When ballots or ballot cards are bound into pads, they may be bound at the top or bottom or at

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either side. In the case of the paper ballots, all officers and questions may be printed on the same sheet of paper.

“(f) A separate write-in ballot, which may be in the form of a paper ballot, card, or envelope in which the elector places his ballot card after voting, shall be provided when necessary to permit electors to write in the names of persons whose names are not on the ballot.

“(g) Absentee ballots may consist of ballot cards, envelopes, and paper ballots voted in person in the office of the election official in charge of the election or voted by mail. When a ballot card is used for voting by mail it must be accompanied by a punching tool, voter instructions, and a specimen ballot showing the proper positions to vote on the ballot card for each party, candidate, proposal, public measure, or proposition and must be mounted on a suitable material to receive the punched-out chip.

“(h) Any voter who spoils his ballot or makes an error may return the ballot to the election officials and secure another except that in no case shall a voter be furnished with more than three ballots.

“Section 101. Preparation of electro-mechanical voting machines. It shall be the duty of the judge of probate of each county where electro-mechanical voting machines are used in county elections, and of the city clerk in each municipality where electro-mechanical voting machines are used in municipal elections, to cause the proper ballot labels to be placed on voting machines; to cause the machines to be placed in proper order for voting; to examine all voting machines in the presence of authorized watchers for any interested persons, before they are sent out to the polling places; to see that all the registering counters are set at zero; to lock, in the presence of authorized watchers, all voting machines so that the counting machinery cannot be operated and to seal each one with a numbered seal, a list of which numbered seals and the number on the protective counters, together with the number of the precinct to which it was sent, in all elections shall be kept as a permanent record opened to any citizen, in the records of the probate judge. Such inspection and sealing of voting machines shall begin not later than nine A.M. of the Saturday before any election at which such machines are to be used, and continue until all such machines are sealed. When all machines are locked and sealed, the key to each machine shall be placed in an envelope and sealed, the signature of the judge of probate or of the city clerk, as the case may be, and the signature of two watchers of opposed interest (if such there be) placed across the seal, and on the envelope shall be written the number then on the protective counter and the number on the seal of the voting machine, such envelope to be delivered to the inspector of each election district. It shall be the duty of the sheriff in all elections which the county is charged with the expense of, the duty of the city clerk in a city election, the duty of the president of a school board in school elections, and the duty of the authority holding other elections of any character, to have delivered an electro-mechanical voting machine, or machines, together with an instruction model for each machine, showing a portion of the face of such machine in use at such election, to each and every polling place where same is required by law to be used, at least one hour before the time set for the opening of the polls in such voting precinct. After the machine has been delivered, the same authority shall cause such machine to be set up in the proper manner and cause protection to be given so such machine shall be free from molestation and injury. The protective curtains shall be examined to see that they conceal the actions of the voter properly, while such voter is operating the machine. All poll lists and necessary supplies shall be delivered to the inspector at the same time the key or keys to the machine are delivered.

"Section 102. Preliminaries of opening the polls—

(1) When electro-mechanical voting machines are used—The key or keys to the voting machine or machines shall be delivered to the inspector of each poll, at least thirty minutes before the time for opening of the polls, the seal of the envelope containing the same to be unbroken. The seal shall be broken by the inspector only in the presence of at least two authorized watchers for opposing interest (if such there be), and shall only be broken after comparison shows that the number written on the envelope and the number shown in the protective counter are identical. If these numbers are found not to be the same, the seal shall not be broken until the judge of probate or the city clerk, as the case may be, or their representative, shall arrive and deliver the correct keys or until another and properly sealed machine is delivered. If the numbers written on the envelope and the respective numbers on the seal and on the protective counter are found to be the same, the inspector shall open the doors concealing the counters. And, before the polls are declared open, the election officials and each authorized watcher, or any person interested, shall carefully examine each and every counter and see that it registers zero. All of those last enumerated then shall examine the ballots and satisfy themselves they are in their proper places on the machine. The election officials shall cause to be conspicuously placed the sample ballots and model for the guidance of the voters. All of the persons authorized to be in the polls shall satisfy themselves that the voting machine is properly placed, and that the face of the machine is turned toward where the election officials and the public may obtain a clear and unobstructed view of the same at all times, except when the curtain on the machine is closed for the casting of the ballot. The election officials and at least two watchers of opposing interests (if any there be) shall then sign a certificate setting out that the keys were delivered intact, that the numbers on the protective counter and the seal correspond with that on the envelope, that all the counters were set at zero, and that the ballot labels were in their proper places. If any counter, however, shall be found not to register zero, the inspector shall summon the custodian of the machine, who shall set the counter back to zero. The machine shall then be opened for voting and the polls formally declared open.

"(2) When electronic voting equipment is used—One hour before the opening of the polls, the precinct election officers shall arrive at the polling place and set up the voting booths so that they will be in clear view of the election officers; open the voting devices, place them in the voting booths, and examine them to see that they have the correct ballot labels by comparing them with the sample ballots, and are in proper working order; and open and check the ballots, ballot cards, supplies, records and forms, and post the sample ballots and instructions to voters. Each voter shall be instructed how to operate the voting device before he enters the voting booth. If he needs additional instruction after entering the voting booth, two election officers may, if necessary, enter the booth and give him such additional instructions. Any voter who spoils his ballot or ballot card may return it and secure another. The word 'SPOILED' shall be written across the face of the ballot and it shall be placed in the envelope for spoiled ballots. If ballot cards are used, the voter, after he has marked his ballot card, shall place the ballot card inside the envelope provided for this purpose, with the stub extending outside said envelope, and return it to an election officer, who shall remove the stub and deposit the envelope with the ballot card inside in the ballot box. No ballot from which the stub has been detached shall be accepted by the judge in charge of the ballot box, but it shall be marked 'SPOILED' and placed with the spoiled ballots. As soon as the polls have been closed and the last qualified voter has voted, the voting devices

shall be sealed against further voting. All unused ballots or ballot cards shall be placed in a container which shall be sealed and returned to the officials in charge of the election.

"Section 103. (a) Not less than five days before a primary, general, special or municipal election the authority charged with holding the same shall cause to be held a school of instruction for those who will actually conduct the election at the following places. The sheriff shall notify such election officials of the time and place of the holding of such school of instruction, and shall also publish notice at least forty-eight (48) hours before the same is to be held. (b) No election official shall serve in any election district in which a voting machine is used, unless he or she shall have received such instruction regarding the type of voting machine to be used at such election within the twelve months preceding such election, and is fully qualified to perform the duties in connection with the machine, and has received a certificate within the past twelve months from the authorized instructor to that effect, provided, however, that this shall not prevent the appointment of an uninstructed person as an election official to fill a vacancy among the election officials.

"Section 112. When the time arrives for closing the polls, all qualified voters, who have arrived at the polling place and identified themselves as desiring to vote, shall be permitted by the election officers to do so. As soon as the last voter has voted and the poll closed, the election officials shall immediately lock the electro-mechanical machines against voting. They shall then sign a certificate stating that the machine was locked and sealed, giving the exact time; such certificate also stating the number of voters shown on the public counters, which shall be the total number of votes cast on such machine in that precinct; the number on the seal; and the number registered on the protective counter. They shall then open the counting compartment in the presence of the watchers and of at least one representative of any newspaper or press association which cares to be represented, giving full view of all the counter numbers. The inspector shall, under the scrutiny of the watchers, in the order of the officers, as their titles are arranged on the machines, read and announce in distinct tones the designating number and letter on each counter for each candidate's name, if the construction of the voting machine is such as to require a designating number and letter; the result as shown by the counter numbers; and shall then read the votes recorded for each office on the 'irregular ballots'; and shall also read and the clerk shall tally the totals of all challenged ballots cast under the provisions of this article. He shall also in the same manner announce the result on each constitutional amendment, bond proposition, or any other question voted on. The vote as registered shall be entered on the statements of canvass in ink by the clerks, such entries to be made in the same order on the space which has the same designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, after which the figures shall again be verified by being called off in the same manner from the counters of the machines. The returns of the canvass as required by law shall then be filled out, verified, and shall show the number of votes cast for each candidate, the number of votes cast for and against any proposition submitted, and shall be signed by the election officials. The counter compartments of the voting machine shall remain open throughout the time of the making of all statements and certificates, and the official returns, and until such have been fully verified; and during such time the watchers of any candidate or any representative of any newspaper shall be admitted. The proclamation of the result of the votes cast shall be deliberately announced in a distinct voice by the inspector, who shall read the names of each candidate, with the designating number and letter, if the con-

struction of the voting machine is such as to require a designating number and letter; of his counter and the vote registered on such counter; also the vote cast for and against each proposition submitted. During such proclamation ample opportunity shall be given to any person lawfully entitled to be in the polls to compare the results announced with the counter dials of the machine and any necessary corrections shall then and there be made, after which the doors of the voting machine shall be locked and sealed with the seal provided, so sealing the operating lever or electrical control, if an electrically operated machine, so that the voting and counting mechanism will be prevented from operation. Irregular and challenged ballots, properly sealed, and signed, shall be filed with the original statement of canvass, which canvass shall be delivered in the same manner and to the same authorities as now provided by law. The inspector shall deliver to the chairman of the county executive committee in all primary elections, the city clerk in all municipal elections, and the county board in all other elections, the keys of the machine, enclosed in a sealed envelope, across the seal of which shall be written his own name, together with that of the other election officials, and on this envelope shall be recorded the date of the election, the number of the voting district, the number of the seal with which the machine was sealed, the number of the public counter, and the number on the protective counter.

"Section 113(1). The authority charged with the holding of an election or primary election where electro-mechanical voting machines shall be used, shall cause to be prepared a statement of canvass of a form to be approved by the judge of probate, in the necessary number as now required to be used by law, such statement of canvass to conform with the type of voting machine to be used, and the designating number and letter, if the construction of the voting machine is such as to require a designating number and letter, of each candidate (or proposition) shall be printed next to the candidate's name on the state of canvass. Said statements of canvass shall be permanently preserved by the probate judge for use in the event of contests. Provided that, in the event the construction and design of the voting machine is such as to permit of photographing the name of the candidate or the question, together with the total vote cast on their respective counters, said photograph may be taken and kept as a permanent record for use in event of a contest.

"(2) (a) In precincts where an electronic voting system is used, as soon as the polls are closed the election officer shall secure the marking device against further voting. They shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots corresponds with the number of voters who voted as shown on the poll lists. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voters shall be entered on the forms provided. (b) If ballot cards are used, and separate write-in ballots or envelopes for casting write-in votes are used, all write-in ballots or envelopes on which write-in votes have been cast shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. (c) The election officer shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith to the central counting location by two inspectors who shall not be of the same political party, together with the unused, void, and defective ballots. The returning officer shall certify under oath that the ballots were placed in such container and the container was sealed in his presence and under his supervision, and he shall further certify under oath to the number of ballots of each type placed in the container. (d) All proceedings at the central counting location shall be under the direction of the county board

of election supervisors under the observation of at least two election inspectors who shall not be of the same political party, and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot or ballot container, any item of automatic tabulating equipment, or any return prior to its release. (e) Prior to the start of the count of the ballots, the board of supervisors of elections or officials in charge of the election shall have the automatic tabulating equipment tested to ascertain that it will accurately count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given at least forty-eight hours prior thereto by publication once in one or more daily or weekly newspapers published in the county, city or jurisdiction where such equipment is used, if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be witnessed by representatives of the political parties, candidates, the press and the public. It shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made and certified to by the officials in charge before the count is started. The tabulating equipment shall pass the same test at the conclusion of the count before the election returns are approved as official. On completion of the count, the programs, test materials and ballots shall be sealed and retained as provided for paper ballots. (f) For each ballot or ballot and ballot envelope on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot card, and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect, specifying the office involved, shall be entered on the back of the ballot card, or on a margin if voting areas are printed on both sides of the ballot card. Such votes shall not be counted. All other valid votes, both write-ins and those otherwise cast, on the remainder of the ballot shall be tallied by the canvassing board on a form provided for the purpose, and the ballot shall be placed in an envelope marked 'defective ballots'. The totals for all such ballots shall be added to the totals for the respective precincts. If paper ballots are used, the canvassing board shall, before counting the write-in votes, compare the write-in votes with the votes cast elsewhere on the ballot. If the total number of votes for any office involving write-in votes exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot, specifying the office involved, and all such votes shall not be counted. All other valid votes, both write-in and marked, on the rest of the ballot shall be tallied by the canvassing board on a form provided for the purpose, and the ballot shall then be placed in an envelope marked 'defective ballots'. The totals for all such ballots shall be added to the totals of the respective precincts. So far as applicable, provisions of this code relating to defective paper ballots shall apply. (g) If any ballot card of the type for which the offices and measures are not printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballot cards shall be clearly labeled 'duplicate', bear a serial number which shall be recorded on the damaged or defective ballot card, and be counted in lieu of the damaged or defective ballot. If any ballot card of the type for which offices and measures are printed directly on the card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged

ballot card in the presence of witnesses and in the manner set forth above, or the valid votes on the damaged ballot card may be manually counted at the counting center by the canvassing board, whichever procedure is best suited to the system used. If any paper ballot is damaged or defective so that it cannot be counted properly by the automatic tabulating equipment, the ballot shall be counted manually at the counting center by the canvassing board. The totals for all such ballots or ballot cards counted manually shall be added to the totals for the several precincts or election districts. (h) Absentee ballots may be counted by automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment. (i) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, absentee, and manually counted votes, shall constitute the official return of each precinct or election district. Upon completion of the count, the returns shall be open to the public. (j) The county board of election supervisors may employ a sufficient number of clerks and inspectors to work at each counting center in addition to the election officers usually authorized. In addition to the compensation paid to election officers, the county board may appropriate and authorize additional funds to employ skilled personnel to operate the automatic tabulating equipment at each counting center."

Section 9. All local acts or general acts of local application inconsistent with the foregoing section are hereby superseded or repealed.

Section 10. Inspection of machines after election—

At noon on the Friday following any election, the judge of probate shall, at the request of any candidate, open any one or more electro-mechanical voting machines so that the question counters and candidate counters may be inspected by the candidates or their designated representatives. The judge of probate shall insure that no person shall tamper with or change any counter and shall reseal each machine after inspection.

Section 11. Code of Alabama 1940, Title 17, Sections 93, 95, 96, 99 and 111 are hereby repealed.

Section 12. Effective January 1, 1980, Code of Alabama 1940, Title 17, Sections 193, 194, 195, 196, and 197 and Act No. 800, S. 313, 1951 Regular Session (Acts 1951, p. 1399; now appearing in Code of Alabama Recompiled 1958, Title 17, Section 194 (1)) entitled "An Act To provide that in all general, special, primary and municipal elections, it shall be the duty of the election officials to attach to the outside of each ballot box, used in such elections, a piece of paper showing the total votes received by each candidate in such election" shall be repealed and shall be of no further force and effect.

Section 13. Code of Alabama 1940, Title 17, Section 198 is amended to read as follows:

"Section 198. The returning officer and the inspectors and clerks shall each be entitled to fifteen dollars, and the returning officer, in addition, to ten cents a mile in going to the courthouse and returning to the place of holding the election. Those election officers who hold a certificate from the authorized voting machine instructor as required in Section 103 of this Title shall each be entitled to five dollars in addition to their regular compensation. When the election is a municipal election, the additional compensation shall be paid out of the general fund of the municipality, and in all other elections, it shall be paid out of the county treasury, on proper proof of certification and service rendered. The several claims for regular compensation shall be paid as preferred claims, out of moneys in the county treasury not otherwise appropriated,

on proper proof of service rendered. However, in all counties in which the compensation of election officials is prescribed by local law or general law of local application at an amount in excess of the amount hereinabove prescribed in compensation of such officials shall not be decreased hereby, but in those counties to which election official's compensation is set at an amount less than fifteen dollars per day, the provision of the local law or general law of local application relative thereto is hereby superseded and the compensation hereinabove prescribed shall be the total compensation of election officials in such counties."

Section 14. Act No. 409, S. 224, 1943 Regular Session (Acts 1943, p. 375; now appearing in Code of Alabama Recompiled 1958, Title 17, Section 103 (1) entitled "An Act To provide additional compensation for election officials for attending schools of instruction regarding the use and operation of voting machines in all counties and municipalities and other political subdivisions of the state, in which elections are conducted by voting machines; and to provide for the manner of paying said compensation" is hereby repealed.

Chapter 5—Voting Hours

Section 15. Within ninety (90) days after the effective date of this 1975 amendment, the county governing body of each county shall meet and fix the hours of voting for each voting place in the county. The county governing body may set the hours of voting anytime between seven o'clock a.m. and ten o'clock p.m. of each election day, provided that each voting place shall remain open for voting not less than nine (9) consecutive hours. The hours of voting as set by the county governing body shall remain in effect from year to year and shall not be changed except by resolution of such county governing body after notice of intention to change such shall have been published, without cost to the state, at least once a week for four (4) consecutive weeks in some newspaper published in the county, or if there is no newspaper published in the county, then by posting the notice for four (4) consecutive weeks at five (5) different places in the county prior to the adoption of the change. Such notice shall, in every case, specifically state the proposed new hours of voting.

The county clerk shall send a certified copy of such resolution to the Secretary of State who shall keep such resolutions as a public record.

Section 16. All acts, whether general or local, in conflict with the preceding section shall be repealed or superceded ninety (90) days after the passage of this Act.

Section 17. Code of Alabama 1940, Title 17, Section 131 as amended to read as follows:

"Section 131. The inspectors, clerks and returning officers appointed shall meet at the place of holding elections in the several precincts for which they have been appointed, at least one hour before commencement of the hours of voting, as set by the county commission, and shall open the several polling places upon such commencement."

Section 18. Code of Alabama 1940, Title 17, Section 132 is amended to read as follows:

"Section 132. On the failure of any inspector or returning officer to attend one hour before the polling place is to open, such inspector and returning officers as may be present may complete the number. If none of the inspectors appointed are present, the returning officer of a precinct shall appoint three inspectors to act, who, in every instance, shall be qualified electors who are entitled to vote at the polling place, and who shall appoint from the qualified electors at such polling place such clerks as

may be necessary to fill places of those failing to attend; and if there should be no inspector or returning officer present at the polling place one hour before the polling place is to open, then any three qualified electors who are entitled by law to vote at that polling place at the election then to be held, may open the polls and act as inspectors during the election, and appoint clerks to fill the places of those absent in the manner hereinabove provided."

Section 19. Code of Alabama 1940, Title 17, Section 172 is hereby repealed.

Section 20. When the time arrives for closing the polls, all qualified voters, who have arrived at the polling place and identified themselves as desiring to vote, shall be permitted by election officials to do so.

Chapter 6—Placing Names on Ballot

Section 21. Code of Alabama 1940, Title 17, Section 145, is amended to read as follows:

"Section 145(a). The probate judge of each county shall cause to be printed on the ballots to be used in their respective counties, the names of all the candidates who have been put in nomination for a county office by any caucus, convention, mass meeting, primary election or other assembly of any political party or faction in this state, and certified in writing by the chairman of the county executive committee of each political party and filed with him immediately after the canvass and tabulation of returns of the second primary election as provided by law, in the case of a candidate nominated by primary election, and by 5:00 P.M. on the day of the primary election in all other cases. The certificate must contain the name of each person nominated for county offices and the office for which he is nominated, and must be signed by the presiding officer and secretary of such caucus, convention, mass meeting, or other assembly, or by the chairman and secretary of the canvassing board of such primary election.

"(b) In case of any state or federal office to be voted for by the electors of the whole state or of an entire congressional district, judicial circuit, or state senatorial or house of representatives district or any other district greater than a county, the certificate of nomination must be filed in the office of the Secretary of State by the chairman of the state executive committee of each political party immediately upon the canvass and tabulation of returns of the second primary election, as provided by law, in the case of a candidate nominated by primary election, and by 5:00 P.M. on the day of the primary election in all other cases; and the Secretary of State must within six days after the second primary, certify to the judge of probate of each county in the state, in case of an officer to be voted for by the electors of the whole state, and the judges of probate of the counties composing the circuit or district, in case of an officer to be voted for by the electors of a circuit or district, upon suitable blanks to be prepared by him for that purpose, the fact of such nomination and the name of the nominee or nominees and the office to which he or they may be nominated.

"(c) The judge of probate shall also cause to be printed upon the ballots, the name of any qualified elector who has been requested to be an independent candidate for any county office by written petition signed by electors qualified to vote in the election to fill said office, when such petition has been filed with him before 5:00 P.M. on the date on which the primary election is to be held for such office. The number of qualified electors signing such petition shall equal or exceed the following:

"(1) in the case of an office elected by the entire county, one percent of the total population of the county, according to the last federal decennial or special census;

"(2) in the case of an office elected by less than the entire county, one percent of the total population of the district, if known, according to the last federal decennial or special census and proclaimed by the probate judge by publishing a notice in a newspaper of general circulation in the county not later than the first day of February of that year and certified to the Secretary of State who shall maintain such notices as public records;

"(3) in the case of an office elected by less than the entire county when the population of the district is not known, twenty-five electors.

"(d) The Secretary of State shall certify to the judge of probate of each county the name of any qualified elector who has been requested to be an independent candidate for any state or federal office to be filled by vote of the electors of the whole state, a congressional district, judicial circuit, state senatorial or house of representative district, or any other district greater than a county, by written petition signed by electors qualified to vote in the election to fill said office, numbering at least one percent of the total population of the respective district, according to the last federal decennial census, provided such petition is filed with the Secretary of State before 5:00 P.M. on the date on which the primary election is to be held for such office. The judge of probate shall cause to be printed upon the ballots the name, or names, of such qualified elector or electors as the case may be.

"(e) Provided, however, that the judge of probate of each county is hereby prohibited from causing to be printed on the ballot the name of any independent candidate for any state, county, or federal office, who was a candidate in the primary election of that year.

"(f) The term 'political party' as used in this section and chapter means an organization or assemblage of electors as described in Sections 337 and 412 of this Title or any other assemblage or organization of electors who nominated candidates in the general election held in November, 1970, or an assemblage or organization of electors not less than five thousand in number who, on or before the first day of the second month preceding a primary election of any year in which a general election is held, shall file a petition to form a political party with the Secretary of State, and such petition giving the name of the political party, the names of the officers thereof, and the emblem to be used by such party.

"(g) If a political party fails to nominate any candidates for two or more consecutive general elections of state officers, the emblem theretofore adopted by it shall be discontinued and the party shall be required to adopt, prepare and file another petition and emblem."

Section 22. Act No. 243, 1967 Special Session, now codified as Section 145(3), Title 17, is hereby repealed.

Chapter 7—Challenge Oath

Section 23. Code of Alabama 1940, Title 17, Sections 188 and 189 are amended to read as follows:

"Section 188. When any person offering to vote is challenged by an inspector or by any qualified elector, before such person shall be allowed to vote, he shall take and subscribe an oath which one of the inspectors shall tender, read and administer to him, and which shall be in the following form:

"State of Alabama, County of _____ I do solemnly swear (or affirm) that I am a duly qualified elector under the Constitution and laws of the State of Alabama; that I am eighteen years of age or older; that I have been duly registered to vote; that I have not been convicted of any crime that disfranchises me; that I have not voted and will not vote in any other precinct or district in this election; and that I know of no reason why I am not entitled to vote, so help me God. _____
Signature _____ Address. Subscribed and sworn to before me this _____ day of _____, 19 _____"

"Section 189. In addition to the oath provided for in the preceding section, the person so challenged shall be required by the inspectors before he shall be allowed to vote, to prove his identity, residence in the state, county and precinct in which he offers vote, by the oath of some elector personally known to some one of the inspectors to be a qualified elector and a freeholder and householder, which oath shall be administered by one of the inspectors, and be in the following form:

"State of Alabama, County of _____, I _____ do solemnly swear (or affirm) that I have known _____ (here insert the name of the person offering to vote) for the last two years next preceding this election. I do solemnly swear (or affirm) that I am a qualified elector of this precinct; that I have been a freeholder and householder in this precinct for one year next preceding this election; my residence is _____; Subscribed and sworn to before me this _____ day of _____, 19 _____ and upon such oath being duly taken and subscribed, the ballot of the person offering to vote must be received and deposited as other ballots of qualified electors, and the inspectors shall require the persons making said affidavits to swear to and subscribe to an original and a carbon, the carbon to be treated as an original, one set of said affidavits, when so taken and subscribed when the election is closed, shall be sealed by the inspectors in a sealed package and forwarded to the solicitor of the county who shall lay them before the next grand jury sitting for the county. The other set of said affidavits shall be sealed and deposited in the ballot box."

Chapter 8—Canvass of Voters

Section 24. Code of Alabama 1940, Title 17, Section 197 is amended to read as follows:

"Section 197. The statement of votes and the poll list delivered to the returning officer of the precinct must be delivered to the returning officer of the county immediately upon completion of the count and no later than 10:00 a.m. the day next following the election."

Section 25. Code of Alabama 1940, Title 17, Section 199 is amended to read as follows:

"Section 199. Wednesday next after the election at the hour of twelve noon, prevailing local time, the returning officer of the county, in person or by deputy, and the judge of probate and clerk of the circuit court shall assemble at the court house; and if there is no such judge or clerk, or if either of them fails to attend, or if either of them is interested by reason of having been a candidate at such election, his place must be supplied by a respectable freeholder or householder of the county, appointed by the board hereinbefore provided for the appointing of the inspectors in the various precincts for said election, at the time of appointing the election inspectors, and if said appointing board fail to provide for such member or members, or if any member or members as herein provided should fail to attend at the time and place herein mentioned, the returning officer shall supply such deficiency by a

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respectable freeholder or householder of the county who is a qualified elector; and if all such officers are of the same political party, then the returning officer of the county must summon three reputable persons resident householders or freeholders of the county, members of the opposite political party who are qualified electors, to attend at such time and place; and in the presence of such other persons as choose to attend, the board shall make a correct statement from the returns of the voters from the several precincts of the county of the whole number of votes given therein for each officer, and the person to whom such votes were given."

Section 26. Code of Alabama 1940, Title 17, Section 200 is amended to read as follows:

"Section 200. Immediately after ascertaining the results of an election for county officers, the board of supervisors must make in writing a public declaration of the result, stating the name of each officer elected and the office to which he was elected. The declaration must be signed by at least two of the supervisors and must be published by filing the original in the office of the judge of probate, and by posting a copy thereof at the courthouse door. Said original certificate shall be recorded by the probate judge in a book to be provided for the purpose; and said record, or a duly certified copy thereof, shall constitute prima facie evidence of the result of said election and the declaration thereof as provided by law."

Section 27. Code of Alabama 1940, Title 17, Section 201, is repealed in its entirety and is hereby reenacted to read as follows:

Section 201. Returns of elections shall be sent by certified mail to the Secretary of State by the board of election supervisors in each county on the same day as the declaration of results of the election of county officers is made pursuant to section 200, which returns must be sealed in separate envelopes, as follows:

(a) One envelope, marked "constitutional officers", containing the certificates of the board of election supervisors as to the election of all officers required to be elected by the constitution of Alabama, which must be delivered by the Secretary of State unopened to the Speaker of the House of Representatives upon his election.

(b) One envelope marked "federal officers", containing the returns of election of members of Congress, presidential electors and any other elective federal office, which the Secretary of State shall, within fifteen (15) days after the election, open and count in the presence of the Governor or Attorney General. Certificates of election to such officers shall be issued within ten (10) days after such counting is completed by the Secretary of State.

(c) One envelope, marked "other state officers", containing the returns of election of all officers not otherwise provided for, which the Secretary of State, within fifteen (15) days after the election, shall open and count in the presence of the Governor or Attorney General. Certificates of election shall be issued to such officer within ten (10) days after such counting is completed by the Secretary of State.

(d) One envelope, marked "constitutional amendments", containing the certificate of the board of election supervisors as to proposed constitutional amendments, which the Secretary of State shall, within fifteen (15) days after the election, open and count in the presence of the Governor or Attorney General and therefrom ascertain the result of the election, which shall be made known by proclamation of the governor.

Each of the envelopes shall bear on its face a designation of the county sending the envelope.

Section 28. Code of Alabama 1940, Title 17, Section 204 is amended to read as follows:

"Section 204. After having ascertained the result of an election, made declarations thereof, and made the certificates provided for in Section 201 of this title, the board of supervisors must file the lists of the registered voters in the office of the judge of probate, which shall be open to the inspection of any elector of the county."

Section 29. Code of Alabama 1940, Title 17, Sections 202, 203, 205 and 212 are hereby repealed.

Section 30. Code of Alabama 1940, Title 17, Section 209 is hereby repealed.

Section 31. Code of Alabama 1940, Title 17, Sections 210, 211, and 223 are hereby repealed.

Chapter 9—Contests and Challenges

Section 32. Code of Alabama 1940, Title 17, Sections 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, and 267, are hereby repealed.

Section 33. Contest of elections; grounds of contest.

The election of any person to any state, county, federal, district, or circuit office may be contested by any person who voted in the contested election for any of the following causes:

Malconduct, fraud, or corruption on the part of any inspector, clerk, marker, returning officer, board of supervisors or other election official.

Ineligibility of the person elected to hold the office.

Illegal votes cast.

Legal votes rejected or refused.

Bribery, intimidation, or other malconduct calculated to prevent a fair, free, and full exercise of the elective franchise.

Miscount of votes or mistakes in tabulation.

Section 34. Composition of court; venue.

(a) An election contest shall be heard by a special circuit court whose members shall be appointed by the Chief Justice of the Supreme Court, or if he is interested in the contest or otherwise unable to do so, by the next senior associate justice of the Court not so disqualified.

(b) If the contested election is one for an office of a county or subdivision of a county or the state house of representatives, one circuit judge whose circuit does not include any portion of the county or district in which the election occurred shall be appointed, and shall constitute the court.

(c) If the contested election is a state-wide, state senate, United States Congress, circuit judge, or district attorney or any other state official not otherwise provided for, a court composed of three circuit judges from three different circuits shall be appointed.

(d) The court shall hold its sessions at any place that it finds to be convenient to the parties, witnesses, and court and may hold sessions at one or more such places. The attendance of witnesses may be compelled the same as in criminal cases. All process to compel the attendance of witnesses shall issue out of the Circuit Court where the contest was filed.

Section 35. When election not annulled.

No malconduct, fraud, or corruption on the part of the inspector, clerk, marker, returning officer, board of supervisors, or other person, nor any offers to bribe, bribery, intimidation, or other malconduct which prevented a fair, free, and full exercise of the elective franchise, can annul or set aside any election unless thereby the person declared elected, and whose election is contested, be shown not to have received the highest number of legal votes, nor must any election contested under the provisions of this title be annulled or set aside because of illegal votes given to the person whose election is contested, unless it appears that the number of illegal votes given to such person, if taken from him, would reduce the number of votes given to him below the number of legal votes given to some other person for the same office. Nor must any election be annulled or set aside because of the rejection of legal votes unless it appears that such legal votes, if given to the person intended, would increase the number of his legal votes to or above the number of legal votes received by any other person for the same office.

Section 36. Any voter must answer as to his qualifications.

Any person examined as a witness may be required to answer if he voted at the election contested, and to answer touching his qualifications; and if he was not, at such election a qualified voter, he may be required to answer for whom he voted. If he makes full, true answers which may tend to criminate him, he shall not be prosecuted for voting at such election.

Section 37. Either party may have a copy of registration and poll lists.

It shall be the duty of the judge of probate of any county, upon the application of either party to any contest, or his agent or attorney, to deliver to the party, his agent or attorney, a certified copy of the registration lists and poll lists (one or both) of his county, or of any election precinct therein, upon the payment of his fees for certifying and copying the same at the rate of fifteen (15c) cents a hundred words written by him in making such copy; and such copies, duly certified, shall be received as presumptive evidence of the facts therein stated—the registration lists that the persons therein named were duly registered, and the poll lists that the persons therein named voted at the election and precinct therein named.

Section 38. Jurisdiction denied judges or courts exercising chancery powers in election contests; appeal.

No jurisdiction exists in or shall be exercised by any judge, court of officer exercising chancery powers to entertain any cause of proceeding for ascertaining the legality, conduct or results of any election, except so far as authority to do so shall be specially and specifically enumerated and set down by statute; and any injunction, process, order, or decree from any judge, court or officer in the exercise of chancery powers, hereby the results of any election are sought to be inquired into, questioned, or affected, or whereby any certificate of election is sought to be inquired into or questioned, save as may be specially and specifically enumerated and set down by statute, shall be null and void, and shall not be enforced by any officer or obeyed by any person; and should any judge or

other officer hereafter undertake to fine, or in any wise deal with any person for disobeying any such prohibited injunction, process, order, or decree, such attempt shall be null and void, and an appeal shall lie forthwith therefrom to the supreme court then sitting, or next to sit, without bond, and such proceedings shall be suspended by force of such appeal; and the notice to be given of such appeal shall be five (5) days.

Section 39. Complaint, where filed.

When any elector chooses to contest the election of any person declared to be elected to any office, he shall within twenty (20) days after their results of the election are declared, file a civil action in any circuit court encompassing any part of the district, circuit, or county in which the contested election occurred. If the contested election was state-wide, it may be filed in any circuit in the state. The complaint in such action shall be verified.

Section 40. Notice of nature of evidence.

Within ten (10) days after the filing of the complaint, the plaintiff shall file with the court and serve on the opposing party a specification of the malconduct, fraud, or corruption charged including the precinct in which such occurred, a specification of the bribery, intimidation or other malconduct charged, a specification of the number of legal votes rejected or illegal votes allowed in each precinct, a specification of the miscounting or mistabulation of votes in each precinct or county, and a statement demonstrating that the outcome of the election would likely have been affected by the matter or matters complained of.

Section 41. Security for costs.

(a) The plaintiff shall file, along with the complaint, initial security costs in the amount of five hundred dollars of the case is to be heard by a one-judge court and two thousand if the case is to be heard by a three-judge court, in the form of cash, certified check, or bond with good and sufficient sureties.

(b) If the contest alleges that votes were incorrectly tabulated or counted, the court hearing the contest shall order the posting of increased security for cost in an amount estimated by the Court to be sufficient to pay the actual cost of a retabulation or recount of the contested votes or voting districts.

Section 42. In all contests, ballots may be examined.—In all contests of elections, the judge presiding is authorized to make an examination of the ballots given or rejected in the election so far as he may deem it necessary to arrive at a correct judgment, and may make and enforce by attachment all necessary orders to obtain possession of the same, and must make all proper orders necessary for the return of the ballots to the proper custody after same have been examined by him.

Section 43. Judgment rendered.—If, on the trial of the contest of any election, it shall appear that any person other than the one whose election is contested, received, or would have received, had the ballots intended for him and illegally rejected been received, the highest number of legal votes, judgment must be given declaring such person duly elected, and such judgment shall have the force and effect of investing the person thereby declared elected, with full right and title to have and to hold the office to which he is declared elected. If it appears that two or more persons have, or would have had, if the ballots intended for them and illegally rejected had been received, the highest and equal number of votes for such office, judgment must be rendered declaring the fact, and such fact must be certified to the officer having authority to fill va-

cancies in the office the election to which was contested. If the person whose election is contested is found to be ineligible to the office, judgment must be rendered declaring the election void, and the fact certified to the appointing power. If the party whose election is contested is found to have been duly and legally elected, judgment must be rendered declaring him entitled to have and to hold the office to which he was so elected.

Section 44. Costs, how taxed.

If the judgment of the circuit court is for the plaintiffs, the costs of the contest shall be borne as a part of the costs of conducting the election and shall be charged by the court to the county or counties in which mistakes were found. If the judgment is for the defendant, the court shall tax court costs and the actual costs of the recount to the plaintiff. In no case shall attorneys' fees be taxed as costs.

Section 45. Contest not abated by death of contestant.—In all contests of elections, such contests are not abated by the death of the party commencing them before final judgment, if any qualified elector appears in court and substitutes himself as a contestant and gives good and sufficient security for the costs which have accrued or may accrue on the contest. But if no qualified elector appears and proposes to substitute himself as the party contesting, the contest abates on the death of the contesting party, and judgment must be rendered against his sureties for the costs of the contest, which must be collected by execution in the name of the party whose election was contested. In all cases the person whose election is contested, if he be the successful party in such contest is entitled to judgment for the cost thereof against the party contesting and his sureties, for which execution may issue returnable to the court or probate, or to the circuit court, as the case may be.

Section 46. Appeal.—From the judgment of the circuit court on the contest of any election, any appeal shall be taken within five (5) days after entry of judgment to the Supreme Court.

Section 47. Costs of Appeal.—Security for costs in in such appeals shall be given as in other appeals. Any appeal shall automatically act as a suspension of the judgment of the circuit court and supersedeas bond shall not be required.

Section 48. Code of Alabama, Title 17, Sections 368, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, and 392 are hereby repealed.

Section 49. When a contest or recount of a political party nomination is instituted the State or County Chairman of such political party shall certify the name of the nominee as determined by the canvass and such name shall be placed upon the ballot and shall remain thereon unless ordered to be removed by the person certifying said name or a court of competent jurisdiction.

Section 50. All nominations made under this chapter may be contested within five days after the result has been declared as to all candidates under the same conditions and on the same grounds as provided for general elections of state and county officers. Such contest shall be heard and tried by the county executive committee of such political party as to candidates for county offices, and by the state committee of such political party as to candidates for all other offices, and wherever there is no county executive committee consisting of enough members to obtain a quorum, then by the state executive committee.

Section 51(a). A "challenge" is an inquiry into the qualifications of a candidate for a political party office or party nomination prior to the party's primary election, whether initiated by a voter to disqualify a candidate or by a disqualified candidate to overturn the decision of the state or county political party chairman.

(b) A "contest" is inquiry into the validity of an election.

(c) A violation of the limitations on campaign contributions and expenditures, the requirements with respect to the reporting of the same and the requirements with respect to the registration of political committees shall not be maintained as either a challenge or contest within the meaning of this Act.

Section 52(a). A challenge may be filed by any person who will be qualified to cast a vote in the primary election in which the challenged person is a candidate. A challenge may also be filed by a person who has been disqualified by action of the party state or county chairman.

(b) A contest may be filed by any person who voted in election contested.

Section 53(a). A challenge may be filed to disqualify a candidate on the grounds that the candidate does not possess the qualifications established by law or party rules or that the candidate has violated a law or party rule, the penalty for which is disqualification.

(b) A contest may be filed on the same grounds as a challenge or on the same grounds as a contest of a general election.

Section 54. A challenge or contest involving any office of a county or county subdivision shall be filed with the party county chairman. All other challenges and contests shall be filed with the party state chairman.

Section 55. A challenge or contest filed with the party county chairman shall be heard by a subcommittee of the party county committee appointed by the party county chairman. A challenge or contest filed with the party state chairman shall be heard by a subcommittee of the party state committee, provided, however, that the party may establish by rule or by-law that challenges or contests of legislative district or judicial circuit elections shall be referred to a joint subcommittee of the appropriate party county committees and may establish the method of choosing such subcommittees. All challenges and contests shall be heard by subcommittees consisting of not less than three members.

Section 56. A challenge may be filed at any time before the primary election. A contest shall be filed within five days after the certificate of nomination is issued. A challenge which has not been decided at the time of the primary shall be considered a contest of the election.

Section 57. The petition of challenge or contest shall be verified and shall state specifically the grounds of challenge or contest including all information required in the provisions governing contests of general elections.

Section 58. Except as otherwise provided in this Article, all procedures applicable to contests of general elections shall apply to contests and challenges or primary elections. The subcommittee shall assure that all testimony received by it is recorded and transcribed by a court reporter or by such other means as are agreeable with the parties and the subcommittee. The subcommittee shall have the power of subpoena and

contempt and may enforce either by application to the circuit court having personal jurisdiction of the person to whom such subpoena or contempt citation is directed.

Section 59. Any person aggrieved by the decision of the subcommittee may within five days thereof appeal to the supreme court seeking a review of the subcommittee's decision. The supreme court shall take no additional evidence regarding the contest or challenge but shall reverse the ruling of the subcommittee only upon finding that the action of the subcommittee was clearly erroneous. Such cases shall be heard on an expedited basis by the court.

Chapter 10—Miscellaneous

Section 60. Code of Alabama 1940, Title 17, Sections 136, 137, and 138 are hereby repealed.

Section 61. Code of Alabama 1940, Title 17, Sections 77 and 80, are hereby amended to read as follows:

"Section 77. The counties in this state as now divided into election precincts, and the boundaries of such precincts as now defined, shall so remain until changed by order of the county governing body, but the county governing body, at any regular meeting shall subdivide any election precinct in which there are more than three hundred qualified voters and paper ballots are used or in which there are more than six hundred qualified voters and voting machines are used into election districts or shall divide alphabetically the list of qualified voters in such precincts into groups and assign each qualified voter a designated voting place and a designated box or voting machine in such precinct so as to provide a box for every person legally entitled to vote at which not more than three hundred paper ballots will be cast or a machine at which not more than six hundred votes by voting machines will be cast.

"Section 80. The county governing body of the county, at any regular meeting shall in their respective counties examine the registration and official list of voters as the same is on file in the office of the judge of probate of said county, and if it shall appear from such examination and from other available sources of information that there is in any election precinct as then constituted in which paper ballots are used more than three hundred legal voters, or that there is in any election precinct as then constituted in which voting machines are used more than six hundred legal voters, they shall immediately either divide said precinct into election districts so that no one district shall contain over three hundred legal voters where paper ballots are used or six hundred legal voters where voting machines are used or establish two or more places or provide additional boxes or voting machines at established polling places in such precinct and shall separate the list of qualified registered voters in said precinct, as shown by the list on file in the office of the probate judge in said county into groups in alphabetical order so that no group in a precinct in which paper ballots are used shall contain more than three hundred qualified registered voters or in a precinct where voting machines are used more than six hundred qualified registered voters and shall designate the place and box or machine in such precinct at which qualified voter shall cast his ballot."

Section 62. Code of Alabama 1940, Title 17, Section 141 is hereby repealed.

Section 63. Code of Alabama 1940, Title 17, Section 154 is amended to read as follows:

"Section 154. All ballots shall be printed in black ink on clear book paper; and every such ballot printed in accordance with the provisions of this article shall contain a party device for each political party represented on the ticket. The arrangement of the ballot shall conform to the plan hereinafter given, and in all cases the party columns must be placed in alphabetical order, beginning on the left of the ballot. The list of candidates of the several parties shall be printed in parallel and perpendicular columns, each column to be headed by the chosen device of such party, and the party name or other designation in such order as the secretary of state may direct. The number of columns shall exceed by one the number of separate tickets of candidates to be voted for at the polling place for which the ballot is provided, and in the appropriate place the words vote for one (or two or other number, as the case may be) to indicate the number which may be elected to each office. On the right of each ballot shall be a column in which shall be printed only the titles of the office for which candidates may be voted for by the electors at the polling places for which the ballot is printed. Said column is designated as 'blank column' and in such column the voting spaces shall be omitted, but in all other respects such blank column shall be a duplicate of the political party columns upon such ballot. Those officers to be voted for shall be listed on the ballot in the following order:

- President - vice president
- Governor
- Lt. Governor
- U. S. Senator
- U. S. Representatives
- Attorney General
- Supreme Court Justices
- Court of Civil Appeals Judges
- Court of Criminal Appeals Judges
- Secretary of State
- State Treasurer
- State Auditor
- Commissioner of Agriculture and Industries
- Public Service Commissioners
- State Board of Education members
- State Senate
- State Representative
- Circuit Court Judges
- District Attorneys
- District Court Judges
- Circuit Clerks
- Other officers (to be listed in the order prescribed by the judge of probate)."

Section 64. Code of Alabama 1940, Title 17, Section 168 is amended to read as follows:

"Section 168. The probate judge shall preserve as a part of the probate records all certificates and petitions of nomination filed in his office under the provisions of this chapter for one year after the election for which such nominations are made.

Section 65. Code of Alabama 1940, Title 17, Section 170 is amended to read as follows:

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"Section 170. There shall be provided for each voting place one hundred and five ballots for each one hundred registered electors, or fraction thereof, at that place."

Section 66. Act No. 105, S. 28, 1965 Second Special Session (Acts, Second and Third Special Sessions 1965, p. 144; now appearing in Code of Alabama Recompiled 1958, Title 17, Sections 186 (1), 186 (2), 186 (3), and 186 (4)) entitled "An Act To authorize the boards of revenue, courts of county commissioners or other like governing bodies of the counties in this State to provide further for eliminating voting more than once by any person in any election in their respective counties by providing by resolution or ordinance for the identification of persons who vote; to prescribe the manner of identifying voters; to place certain duties relative to identifying voters on election officers; and to prescribe penalties" is hereby repealed.

Section 67. Code of Alabama 1940, Title 17, Section 217 is amended to read as follows:

"Section 217. All special elections provided for by this article are to be ordered by the governor, who must issue writs of election directed to the sheriffs of the counties in which such election is required to be held. The governor must also give written notice of the special election to the secretary of state and the judge of probate and circuit clerk in each county in which such election is required to be held. Such writs of election and written notices must specify the district or county in which, and the day on which, such election is to be held, the cause and object of the same, the name of the person in whose office the vacancy has occurred; and in all cases in which a special election is directed in a district composed of more than one county, such election must be directed to be held on the same day in each county."

Section 68. Code of Alabama 1940, Title 17, Section 220 is hereby repealed.

Section 69. Code of Alabama 1940, Title 17, Section 227 is amended to read as follows:

"Section 227. Each elector for president and vice president shall receive for each day he necessarily attends at the seat of government, a per diem expense allowance equal to that received by a member of the legislature while the legislature is in session, and twenty cents for every mile traveled to and from the same, to be estimated in the same manner as is provided by law in relation to members of the legislature from his county, to be paid, on oath of such elector, by warrant on the treasurer."

Section 70. Code of Alabama 1940, Title 17, Sections 228, 229 and 230 are hereby repealed.

Section 71. Act No. 154, S. 224, 1961 Special Session (Acts 1961, p. 2101; now appearing in Code of Alabama Recompiled 1958, Title 17, Section 426(1)) entitled "An Act Relating to elections; to regulate further elections held for the purpose of nominating candidates for and election of representatives in Congress" is hereby repealed.

Section 72. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 73. All laws or parts of laws which conflict with this act are repealed.

Section 74. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt.

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The question was then on the adoption of the amendment reported by the Standing Committee on Constitution and Elections, said committee amendment being as follows:

Amend H. 1646 page 33, lines 35 and 36 by striking out the words "anytime between seven o'clock a.m. and ten o'clock p.m. of each election day" and inserting in lieu thereof the words

to begin at or anytime after seven o'clock a.m., but all polls in the state must close no earlier than 6:00 o'clock p.m. nor later than seven o'clock p.m.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Venable, Warren, Weeks, White and Wyatt.

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And the bill, H. 1646 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, McMillan, McNair, Manley, Martin,

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Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Venable, Waggoner, White and Wyatt.

—65

Nays:

Messrs.: Albright, Gafford, Lockett, Lutz, Pegues and Trammell.

—6

And the bill:

H. 1815. To amend Act No. 276, S. 170, 1971 Third Special Session (Acts of 1971, p. 4543) [now appearing in Code of Alabama, Recompiled 1958, Title 23, Section 64(17)-64(35)] amending Sections III, IV, VI, VII, XII, and XIII of such act known as the "Highway Beautification Act—Outdoor Advertising"; so as to provide control of outdoor advertising signs outside of an urban area beyond 660 feet of the right-of-way of interstate or primary highway systems; to provide for Court proceedings, evidentiary matters and procedures; to provide for just compensation for removal of such signs and to provide penalties for violations.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 2.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Harrison, Higginbotham, Holmes, Hopping, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, White and Wyatt.

—66

Nays:

Messrs.: Killian and McCluskey.

—2

And the bill:

H. 1917. To provide for creation of a permanent joint highway committee of the Legislature to facilitate and coordinate a long-range program of highway development in the state, to empower said committee to review and approve long-range (20-year) highway development plans, review annual plans for highway construction, modification, maintenance and administration and annual budgets for the State Highway Department, which plans and budgets shall be submitted to said committee by the State Highway Department; to empower said committee to review priorities for all highway construction and modification projects under jurisdiction of the State Highway Department, to inspect performance of state highway functions, to conduct hearings, call witnesses and employ consultants, and to do all things necessary or desirable in connection with and incidental to the foregoing functions, and to require that all highway legislation be referred to said committee for its recommendations and approval.

Was read a third time at length and passed, and ordered sent forth-
with to the Senate without engrossment.

Yeas 62; Nays 8.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Carothers, Carter, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Pegues, Plaster, Porter, Quarles, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Taylor, Venable, Weeks, White and Wyatt.

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Nays:

Messrs.: Cates, Harrison, Higginbotham, Lutz, McNair, Naramore, Trammell and Tucker.

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H. 1126 TEMPORARILY CARRIED OVER

On motion of Mr. McCulley, the bill, H. 1126 with substitute, was temporarily carried over.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Crowe removed as co-sponsor to the bill, H. 1126.

And the bill:

H. 1565. To amend further Section 3 of Act No. 1, H. 46, Regular Session 1945 (Acts of 1945, p. 3), as amended, now appearing in Title 26, Section 179 (26), Code of Alabama, Recompiled 1958, so as to increase the number of members of the state gas and oil board to seven, and to provide that two of the members must be voting residents of the first congressional district.

Was taken up.

Mr. Campbell offered the following amendment to the bill:

In the synopsis on page 1, line 13, strike out the period at the end thereof and insert in lieu thereof a comma and the following words and figures:

and one member must be voting residents of the seventh congressional district.

Also in the title on page 1, line 25, strike out the period at the end of the title and insert as a part of the title the following words and figures:

and one member must be voting residents of the seventh congressional district.

Also in Section 1, page 2, strike out the period at the end of line 13 and insert a comma in lieu thereof, then add between lines 13 and 14 the following:

and two members shall be voting residents of the first congressional district.

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And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Manley, Martin, Merrill, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Taylor, Venable and White.

—58

And the bill:

H. 1565. To amend further Section 3 of Act No. 1, H. 46, Regular Session 1945 (Acts of 1945, p. 3), as amended, now appearing in Title 26, Section 179 (26), Code of Alabama, Recompiled 1958, so as to increase the number of members of the state gas and oil board to seven, and to provide that two of the members must be voting residents of the first congressional district and one member must be voting residents of the seventh congressional district.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Dial, Edwards, Folmar, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Hopping, Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchell, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Taylor, Venable and White.

—61

And the bill:

H. 1893. To make an appropriation of State funds for the fiscal year 1975-76 to the office of the Secretary of State.

Was taken up.

H. 1893 POSTPONED

On motion of Mr. Owens, the bill, H. 1893, was postponed to the thirty-third legislative day.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Howard to suspend the rules in order to bring up out of order the bill, H. 1567, was lost.

And the bill:

H. 318. To further amend Section 4, Title 12, Code of Alabama 1940, as amended, so as to provide that a savings and loan association, organized either under the laws of the State of Alabama or of the United States, may be appointed as a depository for county funds.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 29; Nays 25.

Yeas:

Messrs.: Armstrong, Campbell, Drake, Folmar, Ford, Glass, Gregg, Harrison, Higginbotham, Hilliard, Holmes, Hopping, Howard, Jackson (R), Kennedy, Leonard, Lutz, McNair, Manley, Martin, Naramore, Porter, Reed, Roberts, Smith (B), Smith (M), Sonnier, Taylor and White.

—29

Nays:

Messrs.: Baker, Barron, Boles, Brindley, Clark, Coburn, Goodwin, Greer, Hall, Harris, Hill, Johnson, Johnstone, Kelley, Lockett, McCulley, Malone, Merrill, Plaster, Rich, Robertson, Sasser, Sparks, Weeks and Wyatt.

—25

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Holmes, Harrison, Smith (M), and Howard as co-sponsors to the bill, H. 318.

And the bill:

H. 1859. (With Amendments): To provide further in regard to activities prohibited on Sunday; to repeal Sections 420, 421, and 422, Title 14, Code of Alabama, as last amended; and to enact new provisions, and to prescribe punishment for violations of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Delete Section 4. and add the following; to wit:

Section 4. Specifically excepted from the provisions of Section 3 herein, are the following business establishments:

- (a) Pharmacies and Apothecaries.
- (b) Eating places and establishments.
- (c) Gasoline service stations.
- (d) Retail delicatessen stores.
- (e) Certain miscellaneous retail trade industries to include only the following: Sporting Goods Stores; Gift, Novelty & Souvenir Shops; Automatic Merchandising Machine Operators; Fuel & Ice Dealers; Florists; and News Dealers and News Stands.
- (f) Certain small business establishments. These shall be defined as any store which employs a total of three or fewer. Where any such business which has more than one store, branch, or division, employment is computed separately at each separate location.
- (g) Certain small business establishments. These shall be defined as any store whose total manhours of employment averages less than 201 total manhours per seven consecutive calendar days. Where any such business which has more than one store, branch, or division, manhours of employment are computed separately at each separate location.

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AMENDMENT TABLED

On motion of Mr. Pegues, the amendment No. 1 reported by the Standing Committee on State Administration to the bill, H. 1859, was tabled.

Yeas 47; Nays 3.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Campbell, Carter, Coburn, Cross, Crowe, Dial, Drake, Edwards, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Johnson, Kelley, Killian, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Plaster, Quarles, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Taylor, Teague, Turnham, Waggoner, Weeks, White and Wyatt.

—47

Nays:

Messrs.: Cates, Folmar and Lewis.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Advance the numbers by one by changing the words "Section 5., Section 6., Section 7., Section 8., Section 9." to read as follows: "Section 6., Section 7., Section 8., Section 9., Section 10." respectively.

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment No. 2 reported by the Standing Committee on State Administration to the bill, H. 1859, was tabled.

Yeas 45; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Campbell, Carter, Coburn, Cooper, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Howard, Johnson, Kelley, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Plaster, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Turnham, Waggoner, Weeks, White and Wyatt.

—45

Nay: Mr. McNair.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Pegues offered the following amendment No. 1 to the bill:

Delete the words in "Section 3", and move the numbers back by one by changing the words "Section 4." and "Section 5." to read "Section 3." and "Section 4." respectively.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Callahan, Carter, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (R), Johnson, Killian, Lewis, Lockett, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Moore (W), Owens, Pegues, Quarles, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Turnham, Warren, Weeks, White and Wyatt.

—55

Mr. Pegues offered the following amendment No. 2 to the bill, H. 1859 as amended:

Delete Section 4. and add the following; to wit:

Section 4. Specifically excepted from the provisions of Section 3 herein, are the following business establishments:

- (a) Pharmacies and Apothecaries.
- (b) Eating places and establishments.
- (c) Gasoline service stations.
- (d) Retail delicatessen stores.

(e) Certain miscellaneous retail trade industries to include only the following: Sporting Goods Stores; Gift, Novelty & Souvenir Shops; Automatic Merchandising Machine Operators; Fuel & Ice Dealers; Florists; and News Dealers and News Stands.

(f) Certain small business establishments. These shall be defined as any store which employs a total of three or fewer. Where any such business which has more than one store, branch, or division, employment is computed separately at each separate location.

(g) Certain small business establishments. These shall be defined as any store whose total manhours of employment averages less than 201 total manhours per seven consecutive calendar days. Where any such business which has more than one store, branch, or division, manhours of employment are computed separately at each separate location.

And the amendment was adopted.

Yeas 71; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Howard, Johnson, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore,

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Owens, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—71

Nays:

Messrs.: Holmes, Hopping and McNair.

—3

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Add the following Section; to wit:

Section 5. Specifically excepted from the provisions of Section 3 herein, are the following activities:

(a) Health care and emergency services deemed appropriate or necessary by a Medical Doctor [M.D.].

(b) Auctions, festivals, flea markets, bazaars, and similar activities, conducted only for charitable or public purposes.

(c) The sale of patent medicines and products prescribed by a Medical Doctor [M.D.].

And the amendment was adopted.

Yeas 59; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Harris, Higginbotham, Hines, Howard, Johnson, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Quarles, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Turnham, Waggoner, Warren, Weeks, White and Wyatt.

—59

Nays:

Messrs.: Holmes, Hopping and McNair.

—3

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on State Administration, said committee amendment being as follows:

Delete Section 8. which states "Definitions of all industries herein shall be in accordance with the United States Government's 1972 Standard Industrial Classification Manual." and substitute the following: to wit:

Section 8. Definitions of all business establishments, business operations, industries, and activities herein shall be as follows:

(a) "Retail" shall mean: those establishments engaged in: selling merchandise for personal or household consumption, and rendering services incidental to the sale of the goods. In general, retail establishments are classified by kind of business according to the principal lines of commodities sold (groceries, hardware, etc.), or the usual trade designation (drug store, cigar store, etc.). Some of the important characteristics of retail trade establishments are: the establishment is usually a place of

business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for personal or household use. Not all of these characteristics need be present and some are modified by trade practice.

For the most part, establishments engaged in retail trade sell merchandise to the general public for personal or household consumption. Exceptions to this general rule are made necessary by trade practices. For example, lumber yards and paint, glass and wallpaper stores are included in Retail trade if they sell to the general public, even if a higher proportion of their sales is made to contractors. However, establishments that sell exclusively to business establishments, institutional and industrial users, or contractors are classified as Wholesale and not Retail.

Establishments engaged in selling to the general public, from displayed merchandise, products such as typewriters, stationery, or gasoline are classified in Retail even though such products may not be used for personal or household consumption. However, establishments that sell these products only to institutional or industrial users and establishments that sell similar merchandise for use exclusively by business establishments are classified as Wholesale and not Retail.

Buying of goods for resale to the consumer is a characteristic of Retail establishments that particularly distinguishes them from the agricultural and extractive industries. For example, farmers who sell only their own produce at or from the point of production are not classified as retailers.

Processing incidental or subordinate to selling often is conducted at retail stores. For example, restaurants prepare meals, and meat markets cut meat. Retail establishments of manufacturing concerns are included in Retail.

Chain store warehouses are considered auxiliary to the retail establishment served and are classified on the basis of the activity carried on by such retail stores.

Retail establishments shall include, but not be limited to:

(1) **BUILDING MATERIALS, HARDWARE, GARDEN SUPPLY, AND MOBILE HOME DEALERS**; namely, Lumber and Other Building Materials Dealers; Paint, Glass & Wallpaper Stores; Hardware Stores; Retail Nurseries, Lawn and Garden Supply Stores; and Mobile Home Dealers.

(2) **GENERAL MERCHANDISE STORES**; namely, Department Stores; Variety Stores; and Miscellaneous General Merchandise Stores.

(3) **FOOD STORES**; namely, Grocery Stores; Freezer & Locker Meat Provisioners; Meat & Fish (Seafood) Markets; Fruit Stores & Vegetable Markets; Candy, Nut, & Confectionery Stores; Dairy Products Stores; Retail Bakeries; and Miscellaneous Food Stores such as coffee stores, dietetic food stores, egg & poultry dealers, health food stores, spice & herb stores, tea stores, and vitamin food stores.

(4) **AUTOMOTIVE DEALERS AND GASOLINE SERVICE STATIONS**; namely, Motor Vehicle Dealers; Auto & Home Supply Stores; Gasoline Service Stations; Boat Dealers, including boat and marine supply dealers; Recreational & Utility Trailer Dealers; Motorcycle Dealers;

and Automotive Dealers, Not Elsewhere Classified (which are establishments primarily engaged in the retail sale of new and used automotive vehicles and new equipment and supplies such as snowmobiles, dune-buggies, go-carts, aircraft, etc.

(5) APPAREL AND ACCESSORY STORES; namely, Men's and Boy's Clothing & Furnishings Stores; Women's Ready-To-Wear Stores; Women's Accessory & Specialty Stores; Children's and Infants' Wear Stores; Family Clothing Stores; Shoe Stores; Furriers & Fur Shops; and Miscellaneous Apparel & Accessory Stores.

(6) FURNITURE, HOME FURNISHINGS, AND EQUIPMENT STORES; namely, Furniture Stores; Floor Covering Stores; Drapery, Curtain, & Upholstery Stores; Miscellaneous Home Furnishing Stores; Household Appliance Stores; and Radio, Television, and Music Stores.

(7) EATING AND DRINKING PLACES; namely, Eating Places and Establishments which are retail establishments selling prepared foods for consumption on the premises, and also lunch counters and refreshment stands selling prepared foods for immediate consumption—caterers and industrial and institutional food service establishments are also included in this classification; and Drinking Places (Alcoholic Beverages) such as those commonly referred to as bars, beer gardens, bottle clubs, cabarets, discotheques, night clubs, saloons, tap rooms, taverns, etc.

(8) MISCELLANEOUS RETAIL; namely, Drug Stores and Proprietary Stores; Liquor Stores; Used Merchandise Stores; Sporting Goods Stores; Bicycle Shops; Book Stores; Stationery Stores which are establishments primarily engaged in the retail sale of stationery, such as paper and paper products (including printing and engraving), post cards, and novelties such as accounting and legal forms, blankbooks and forms, office forms and supplies, pen and pencils, school supplies, and writing supplies; Jewelry Stores; Hobby, Toy & Game Shops; Camera & Photographic Supply Stores; Gift, Novelty & Souvenir Shops; Luggage & Leather Goods Stores; Sewing, Needlework, and Piece Goods Stores; Non-Store Retailers such as Mail Order Houses, Automatic Merchandising Machine Operators, and Direct Selling Establishments; Fuel & Ice Dealers; Florists; Cigar Stores & Stands; News Dealers and Newsstands; and Miscellaneous Retail Stores, Not Elsewhere Classified.

(9) Any combination of the above retail establishments or retail operations.

(b) Pharmacies and Apothecaries are establishments which shall be defined as those in which 75 percent or more of their gross sales are derived from the sale of patent medicines and products prescribed by a Medical Doctor [M.D.].

(c) Gross sales shall be defined as the most recent definition used by the American Institute of Certified Public Accountants.

(d) Gasoline service stations are establishments primarily engaged in selling gasoline and lubricating oils, and which may sell other related merchandise or perform minor repair work. These should include those retail establishments commonly referred to as automobile service stations, gasoline filling stations, marine service stations, and gasoline service stations.

(e) Retail delicatessen stores are establishments primarily engaged in the retail sale of a limited variety of canned foods, packaged processed meats and packaged dry goods, provided such establishments are not commonly known as supermarkets, food markets, vegetable markets, meat markets, grocery stores, or any combination thereof.

(f) Sporting Goods Stores are establishments primarily engaged in the retail sale of sporting goods; sporting equipment and accessories, and are further defined as those stores which sell ammunition, bait and tackle, bowling equipment and supplies, camping equipment, exercise apparatus, firearms, fishermen's equipment, golf goods and equipment, gymnasium equipment, playground equipment, pool and billiard table stores, riding goods and equipment, saddlery stores, skiing equipment, tennis goods and equipment, other sporting and recreational equipment and supplies, or any combination of the above.

(g) Gift, Novelty and Souvenir Shops are establishments primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, and miscellaneous small art goods such as greeting cards and holiday decorations and which may commonly be known as curio shops, gift shops, greeting card shops, novelty shops, and souvenir shops.

(h) Automatic Merchandising Machine Operators are establishments primarily engaged in the retail sale of products by means of automatic merchandising units, also referred to as vending machines.

(i) News Dealers and News Stands are establishments primarily engaged in the retail sale of newspapers, magazines, and other periodicals. For purposes of this act, this shall include home delivery of newspapers by any establishments.

And the amendment was adopted.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Drake, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Howard, Johnson, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Turnham, Waggoner, Weeks, White and Wyatt.

—56

Nays:

Messrs.: Holmes and Hopping.

—2

Mr. Rich offered the following amendment to the bill, H. 1859 as amended:

Amend H. B. 1859 by inserting the following words after the sentence which ends on line 15, page 4, viz: The provisions of this act shall not be construed to repeal or supersede the provisions of any local act or general act based on population pertaining to this subject which was passed since the year 1970. If the provisions of this act shall conflict in any way with the provisions of any local act or general bill based on population passed since the year 1970, then the provisions of such local act or population based general bill shall prevail.

And the amendment was adopted.

Yeas 49; Nays 2.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Drake, Ford, Gafford,

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Goodwin, Greer, Gregg, Higginbotham, Hill, Hines, Howard, Jackson (R), Kelley, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, Merrill, Mitchem, Naramore, Owens, Rich, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Warren, Weeks, White and Wyatt.

—49

Nays:

Messrs.: Holmes and McNair.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Reed offered the following amendment to the bill, H. 1859 as amended:

Amend H. B. 1859 to include all businesses that pay sales taxes to the state of Alabama, county governing body, or municipal governing body to operate.

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment offered by Mr. Reed to the bill, H. 1859 as amended, was tabled.

Yeas 51; Nays 20.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Campbell, Carothers, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Harris, Howard, Kelley, Killian, Lewis, Lockett, Lutz, McCulley, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Rich, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Taylor, Teague, Turnham, Waggoner, Warren, Weeks, White and Wyatt.

—51

Nays:

Messrs.: Baker, Cooper, Folmar, Glass, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kennedy, LeFlore, McNair, McNees, Martin, Smith (M), and Tucker.

—20

Mr. Gregg offered the following amendment to the bill, H. 1859 as amended:

To amend H. B. 1859 by striking the words "vegetable markets" and the comma thereafter in Section 4, paragraph G, line 10.

And the amendment was adopted.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jolly, Kelley, Kil-

lian, Lee, LeFlome, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Reed, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—73

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills hereinafter mentioned were delivered to the Executive Department for same.

Delivered to the Governor at 10:20 A.M. On September 23, 1975.

H. 300

Delivered to the Governor at 3:05 P.M. On September 23, 1975.

H. 201

H. J. R. 385

H. J. R. 383

H. J. R. 121

H. J. R. 329

H. J. R. 275

H. J. R. 159

H. J. R. 46

H. J. R. 254

H. J. R. 365

H. J. R. 335

H. 857

H. J. R. 382

JOHN W. PEMBERTON,
Clerk.

MOTION TO RECESS

Mr. Manley offered the motion that the House recess until 7:30 o'clock p.m.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Sasser that the House adjourn until 10:00 o'clock a.m., Thursday, September 25, 1975 was adopted.

Yeas 58; Nays 30.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Boles, Callahan, Carter, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Goodwin, Hall, Harris, Higginbotham, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Moore (W), Owens, Porter, Quarles, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Taylor, Teague, Trammell, Tucker, Warren and Weeks.

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Nays:

Messrs.: Armstrong, Barron, Brindley, Campbell, Cates, Gafford, Glass, Greer, Gregg, Hill, Hines, Kelley, LeFlore, McCluskey, McCulley, McNair, Mitchem, Moore (O), Naramore, Plaster, Rich, Riddick, Smith (B), Smith (C), Starkey, Turnham, Venable, Waggoner, White and Wyatt.

—30

ADJOURNMENT

On substitute motion of Mr. Sasser and pursuant to the resolution, H. R. 381, heretofore adopted, the House adjourned until 10:00 o'clock A.M., Thursday, September 25, 1975.

THIRTY-THIRD DAY

House of Representatives
Montgomery, Alabama
Thursday, September 25, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend John Porter, Pastor, 6th Avenue Baptist Church, Birmingham, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—103

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-second legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

JOURNAL OF THE HOUSE, 1975
33rd Day

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirty-second legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-second legislative day was approved.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 245. Providing for the coverage of the employees of all counties and certain municipalities under the provisions of the Workmen's Compensation Law; and for this purpose amending the Code of Alabama 1940, Title 26, Section 263.

Also:

S. J. R. 104. Mourning the death of City Clerk W. Francis Pearson.

Also:

S. J. R. 105. Mourning the death of Mr. Lewis Cooper, Jr.

Also:

S. J. R. 109. Mourning the death of Mrs. Edna Betty Udell.

Also:

S. J. R. 123. Mourning the death of Wilson Baker.

Also:

S. 430. To amend the Code of Alabama 1940, Title 12, Section 115 relating to claims against the County so as to remove the requirement that claims be sworn to.

Also:

S. 450. Requiring the owners of livestock who brand their livestock to register such brands with the Department of Agriculture and Industries, and to provide for the transfer and re-registration of such registered brands; to prescribe fees to be paid therefor; to require the Department of Agriculture and Industries to furnish copies of registered brands to livestock markets, sheriffs and other law enforcement personnel for tracing, locating and determining ownership of lost, estrayed or stolen livestock; imposing certain duties relating to record keeping of the receipt, sale and handling of livestock upon livestock markets, slaughterers, livestock dealers and livestock hide dealers concerning the identity of livestock; to authorize the State Board of Agriculture and Industries to adopt rules and regulations to carry out the provisions of this act; to prescribe penalties for violations of the provisions of this Act; to provide for the effective date hereof, and the repeal of laws in conflict with this Act.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 668. To amend Act No. 1116, Acts of Alabama 1969 Regular Session, page 2054, approved September 12, 1969 entitled: Relating to crimes and offenses; defining certain crimes relative to credit cards, including offenses relative to obtaining, possessing, using, dealing in, forging, signing and providing goods and services upon presentation of a credit card; prescribing certain presumptions and proscribing certain defenses relative to the crimes hereby defined; prescribing penalties; and providing that this act is cumulative.

S. 130. Relating to the appointment of a trustee for and the administration of the estate of a property owner, who has absented himself from the county of this state where he usually resides and his whereabouts is unknown.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 131 (With Amendment): To amend further the title and Sections 1 and 2 of Act No. 396, H. 289, Regular Session 1957 (Acts 1957, p. 549), providing for uniform gifts to minors so as to redefine the word "court" and to provide for the making of testamentary gifts under such act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 755. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, and act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

H. 1946. To name the state grain elevator at Phenix City, Alabama, the W. O. "Bill" Patterson Grain Elevator.

H. 1925. Creating a commission to be known as the Cahaba River Commission, which shall study and make recommendations on the environmental impact of activities which affect the river.

H. 1602. To Amend Section 2 of Act No. 1, H. 46, Regular Session 1945 (Acts 1945, p. 1) by amending the definition of the words "oil" and "gas" as contained therein and by defining an oil well.

Mr. Kinsey, Chairman of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and

ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 164. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

S. 169. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

S. 170. To amend Section 30, Title 55, Code of Alabama 1940, which sets forth the duties and powers of the State Fire Marshal by granting to the Fire Marshal, and his deputies, full powers of peace officers.

S. 171. To amend Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

S. 657. To provide for compensation for services to patients under insurance coverage, whether rendered by a physician or dentist, so long as the provider acts within the scope of his licensure.

S. 1041. To amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Mr. Cross, the Standing Committee on Commerce and Transportation, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 97 (With Amendment): To regulate further vehicles using the highways of the State; providing for and regulating the compulsory periodic inspection of motor vehicles, trailers, semi-trailers, pole-trailers and mobile homes; requiring the adjustment, correction or repair of certain parts or equipment of such vehicles if such inspection discloses the necessity therefor; providing for the designation and regulation of inspection stations and the appointment of state inspectors; prescribing the fee for inspecting a vehicle and for appointment as an inspection station; providing for the collection and use of such fees; prescribing penalties for violations of the act; authorizing and providing for the administration and enforcement of this act by the director of public safety; providing appropriation therefor; and repealing Act No. 542, H. 290 of the Regular Session of 1943 (Gen. Acts of 1943, p. 522) which provides for municipal vehicles testing stations.

Mr. Venable, Chairman of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report,

and they were severally read a second time and placed on the Calendar, to-wit:

S. 391. To amend Section 4 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, so as to provide that the certificate of incorporation of a county hospital board may contain provisions requiring that one or more of the members of its board of directors be elected from persons residing in certain specified political or other similar subdivisions of the county or from certain specified occupational or other similar groups or from among persons nominated by specified political subdivisions, public officers or occupational or other similar groups and so as to validate any certificates of incorporation of such hospital boards heretofore filed and containing such provisions.

H. 1959. To amend further Code of Alabama 1940, Title 37, Section 10, in relation to the incorporation of unincorporated communities, so as to provide for incorporating less than the area contained in the map or plat accompanying the petition for incorporation.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 1962 (With Amendments): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1618. To make legislative findings regarding the shortage, in the larger municipalities of the state, of residential housing and of the investment funds needed to finance the purchase, construction and rehabilitation of adequate residential housing; to define the particular terms used in the substantive provisions of this Act; to provide for and authorize the incorporation for any municipality in the state having a population of more than 250,000 of a Housing and Mortgage Finance Authority, as a public corporation and political subdivision of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of such municipality; to provide for and authorize the certificate of incorporation of any such Authority to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such municipality; to provide for a board of directors of any such Authority and the election of the members thereof; to provide for the officers of any such Authority and the election thereof; to provide for the general powers to be exercised by any such Authority and the conditions under which such powers may be exercised, including various approvals and consents in connection therewith required to be given by the governing body of such municipality; to empower any such Authority to make mortgage loans to housing sponsors to finance the purchase, construction or rehabilitation of housing projects located within the corporate limits of such municipality for occupancy by persons and families of low or moderate income; to empower any such Authority to make mortgage loans to persons and families of low or moderate in-

come to purchase or construct residential housing located within the corporate limits of such municipality; to prescribe the findings which must be made by the board of directors of any such Authority as conditions precedent to its power to make mortgage loans; to provide for the supervision by such Authority of housing sponsors' owning or otherwise having responsibility for housing projects financed by such Authority; to prescribe certain terms and conditions applicable to mortgage loans made by any such Authority; to empower any such Authority to purchase mortgage loans from mortgage lenders; to empower any such Authority to make loans to mortgage lenders; to prescribe certain terms and conditions upon which any such Authority can purchase mortgage loans from or make loans to mortgage lenders; to empower such Authority to establish and operate one or more revolving loan funds for the purpose of making loans to persons and families of low or moderate income to rehabilitate residential housing owned and occupied by such persons and families; to prescribe certain terms and conditions upon which loans may be made by any such Authority out of moneys in any such revolving loan fund; to empower any Authority to establish and operate one or more housing loan guaranty funds to guarantee (i) mortgage loans made by financial institutions to housing sponsors to finance the purchase, construction or rehabilitation of housing projects for occupancy by persons and families of low or moderate income and (ii) loans (whether or not secured by a mortgage lien) made by financial institutions to persons and families of low or moderate income to finance the construction, rehabilitation or purchase of residential housing owned and occupied by such persons or family; to prescribe certain terms and conditions for guaranties made in connection with the operation of any housing guaranty loan fund; to empower any such Authority to make grants to non-profit housing sponsors for the purpose of paying certain costs in connection with the development, acquisition and operation of housing projects for occupancy by persons and families of low or moderate income; to empower any such Authority to borrow money for its various corporate purposes and in evidence thereof to issue its notes and bonds; to prescribe certain terms and conditions upon which any such Authority may sell and issue its notes and bonds; to authorize any such Authority to pledge its revenues and mortgage or assign its assets as security for its notes and bonds; to provide a method for giving constructive notice of any pledge of revenues made by any such Authority; to provide that the notes and bonds and all other obligations of any such Authority shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes and bonds of any such Authority shall constitute negotiable instruments; to provide for the creation of special reserve funds to secure the payment of the principal and interest on the bonds of any such Authority; to provide for the refunding, by the issuance and sale of refunding bonds, of any notes or bonds theretofore issued or obligations theretofore assumed by any such Authority; to prescribe the remedies available to the holders of the notes and bonds of any such Authority in the event it defaults in the payment of any such notes and bonds; to provide that the notes and bonds of any such Authority may be used for the investment of trust and other fiduciary funds; to provide for annual audit reports by any such Authority; to exempt from all taxation in this state each such Authority, its property, corporate activities, income, revenues, notes and bonds, the income from its notes and bonds, and the leases, mortgages and deeds of trust to which such Authority is a party; to provide for the liberal construction of the provisions of this Act; to provide that any county, municipality, or other political subdivision, agency or instrumentality of the state may aid and cooperate with, lend or donate money or perform services for the benefit of, and, without the necessity of an election, donate, sell, convey, transfer, lease or

grant to any such Authority any property of any kind, for use by such Authority in connection with the achievement of any of its corporate purposes pursuant to the provisions of this Act; to provide that any such Authority shall be a nonprofit corporation; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to provide for the procedure for the dissolution of any such Authority and the vesting of title to its properties; to provide that the provisions of this Act shall be severable.

H. 1689. To authorize and provide for the incorporation in each city in the state having a population of 250,000 or more according to the last or any subsequent Federal Census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the state, and to promote interests in sports, and amusements; to provide for the election or appointment of Directors and Officers of such corporation: To specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the state to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and

the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, PP. 224, Et Seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the Directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial Directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

H. 1575. To provide for the election of the members of the Board of Equalization and Adjustments in all counties having populations of 600,000 inhabitants or more according to the most recent federal decennial census.

H. 1739. To authorize the county board of education in all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census to provide transportation for public school pupils, in grades one through twelve, who live less than two miles from the school they are attending if the local county or city superintendent certifies the routes are dangerous or hazardous.

H. 1765. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 794. Relating to the City of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1939. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

H. 1952. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or it otherwise becoming law.

H. 1953. To require the City of Centreville in Bibb County to establish a personnel and merit system under the supervision of the State Personnel Department and to repeal all conflicting statutes.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1954 (With Amendment): Relating to counties having a population of not less than 90,000, or more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1955. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

H. 1956. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes prescribing a penalty for violation of this Act.

H. 1958. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$6,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

H. 1963. Relating to Cullman County; to protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such county.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1965. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing for an increase in the annual expense allowance for the sheriff of such counties.

H. 1966. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000; to provide an additional expense allowance for the probate judge.

H. 1967. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for an additional expense allowance for the tax collector and the tax assessor.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 1968. To provide additional compensation for members of the jury commission in all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1969. (With Amendment): Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 137. Relating to Lee County; to provide that the county commission shall have the power to levy and collect additional privilege license taxes, cigarette taxes and taxes on charges or fees for solid waste disposal; and occupational taxes outside the city limits of any incorporated municipality in said county; and to provide for the disposition of the proceeds of such taxes.

S. 218. To amend Section 2 of Act No. 107, S. 156, of the Regular Session of 1947, [now appearing in the Code of Alabama 1940, Recompiled 1958 in Title 13, Section 187 (3)] entitled An Act to authorize circuit judges of judicial circuits composed of one county having but one circuit judge to appoint regular bailiffs and fix their terms of office, so as to raise the amount paid bailiffs to an amount not to exceed six hundred dollars (\$600.00) per month.

S. 290. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff

of Marshall County so as to further provide for the number of employees and their compensation.

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the Chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

S. 465. To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

S. 535. Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.

S. 624. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

S. 754. To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

S. 773. To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

S. 817. Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

S. 820. Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

S. 850. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the prorata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

S. 1022. Relating to Tuscaloosa County, to provide for the compensation of members of boards of registrars in such counties.

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

S. 1131. Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

S. 1132. Relating to Crenshaw County; to provide for the county solicitor's salary.

S. 1142. Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

S. 1143. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent

federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

S. 1149. Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

S. 1159. Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

S. 1161. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

S. 1170. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

S. 1176. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

S. 1184. Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

S. 1185. To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

S. 1189. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

S. 1190. To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan

associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

S. 1191. Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

S. 1192. To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1193. Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

S. 1194. To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

S. 1195. To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

S. 1196. Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

S. 1197. To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

S. 1198. Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

S. 1199. To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

S. 1200. Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

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S. 1201. To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

S. 1202. To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971.

S. 1203. Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

S. 1204. To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

S. 1205. Relating to Marshall County; providing additional compensation for the court reporter of the county court.

S. 1206. To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

S. 1207. Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

S. 1208. To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1209. To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

S. 1210. To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

S. 1211. Relating to Marshall County; providing an additional expense allowance for the probate judge.

S. 1212. To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

S. 1213. Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

S. 1214. To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

S. 1215. Relating to Marshall County; providing for the compensation of the register of the circuit court.

S. 1216. To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1217. Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

S. 1218. To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1219. To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

S. 1220. To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

S. 1221. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

S. 1222. To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

S. 1223. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

S. 1224. To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

S. 1225. Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

S. 1226. To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1227. To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

S. 1228. To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

S. 1229. Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

S. 1230. To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

S. 1231. To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

S. 1232. Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be

present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

S. 1233. To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

S. 1234. To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

S. 1235. Relating to Marshall County; fixing the compensation of the Judge of the County Court.

S. 1236. To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

RULE 4 (4) SUSPENDED

On motion of Mr. Manley, House Rule 4(4), which prohibits sending a bill originated in the House, except advertised local bills and general bills of local application, to the Senate for its first reading after the Senate adjourns on the 32nd legislative day, was suspended.

NOTICE IN WRITING FILED

Mr. Hill filed the following Notice in Writing:

Please take notice that I intend to take action under Rule 42 on Tuesday, September 30, 1975, to seek a vote or the majority of the whole House to direct the Ways and Means Committee of the House to report to the House S. B. 400 with the amendments therein passed by the Senate and to report the same to the House at its next sitting.

RESOLUTION

The following resolution was introduced: By Mr. Smith (J):

H. J. R. 392. CREATING A JOINT SUPERNUMERARY STUDY COMMITTEE.

WHEREAS the proliferation of supernumerary public officials in this state during the current session of the legislature has been unbelievable; and

WHEREAS many of these supernumerary positions have been created without adequate actuarial studies or any real basis for creating a supernumerary position; and

WHEREAS there is great need for the study and careful consideration of this problem by the legislature in order to put all supernumerary positions on a sound actuarial and fiscal basis; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim supernumerary study committee to be composed of four members of the House and four members of the Senate to be ap-

pointed by the presiding officer of each house. The members of the committee shall elect from among their membership a chairman and a vice chairman. The committee shall study all facets of supernumerary positions within the State of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1976 Regular Session. Whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

The fiscal officers of the House and Senate, the staff of the State Employees' Retirement System and the staff of the State Insurance Department are hereby directed to furnish such aid and assistance to the committee as it may request.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Smith (J) to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 392, was lost.

And the resolution, H. J. R. 392, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 391. MEMORIALIZING DR. FREDERICK D. PATTERSON, FOUNDER AND HONORARY PRESIDENT OF THE UNITED NEGRO COLLEGE FUND.

McDOWELL LEE,
Secretary.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. Kinsey and McMillan:

H. J. R. 393. REQUESTING THE SECRETARY OF AGRICULTURE OF THE UNITED STATES TO REVIEW ANY PROPOSED BANS ON THE USE OR MANUFACTURE OF ANY PESTICIDES WITH THE FINAL DECISIONS ON SUCH BANS BEING BASED ON THE CONSENT OF THE DIRECTOR OF THE ENVIRONMENTAL PROTECTION AGENCY AND THE SECRETARY OF AGRICULTURE.

WHEREAS, The agricultural production of independent farmers contributes greatly to the employment and economic welfare of the State of Alabama and is one of the few industries which has shown a consistent and growing return to capital; and

WHEREAS, This viable industry has grown and developed as a result of dramatic advances in management and production technology; and

WHEREAS, One of the most significant advances in production technology has been the development of pest control through the use of chemicals; and

WHEREAS, Recent activity by the unilateral Environmental Protection Agency has removed several economical and effective chemical pesticides from the farmers' arsenal; and

WHEREAS, We recognize the need to protect the public from harmful chemicals in their environment; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the interest of the public would be better served if any proposed ban on the use or manufacture of any pesticide applied in agriculture, be subject to a critical review by the Secretary of Agriculture of the United States of America with final judgment for the ban based on the consent of both the director of the Environmental Protection Agency and the Secretary of Agriculture.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the U. S. Secretary of Agriculture and each member of the Alabama Congressional delegation.

On motion of Mr. Kinsey, the rules were suspended and the resolution, H. J. R. 393, was adopted.

Also:

By Mr. Andrews:

H. R. 394. COMMENDING JOHN C. GRABOWSKI FOR HIS OUTSTANDING CIVIC LEADERSHIP.

WHEREAS John C. Grabowski is a prominent and influential leader in the civic, social and religious life of his city; and

WHEREAS John C. Grabowski is serving as President of the Birmingham Board of Relators, Inc.; and

WHEREAS John C. Grabowski contributes generously of his time, talent and means; and

WHEREAS John C. Grabowski is ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, STATE OF ALABAMA, That we most heartily commend Mr. John C. Grabowski for his outstanding civic accomplishments.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. John C. Grabowski.

On motion of Mr. Andrews, the rules were suspended and the resolution, H. R. 394, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 490. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

McDOWELL LEE,
Secretary.

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SENATE MESSAGE

Mr. Merrill offered the motion that the House non-concur in the Senate amendment to the bill, H. 490 and request a Committee on Conference, said Senate amendment being as follows:

Amend House Bill No. 490 as substituted Page 28 Line 17, by striking out the figure \$13,500,000.00 and inserting in its place: \$9,800,000.00.

Amend House Bill 490, as amended, in Section 2, III (45) page 16 by deleting the figure on line 34 "180,000.00 and inserting in lieu thereof the figure "230,000.00".

Further amend the bill by striking on page 26 line 11 the figure "25,000.00" and inserting in lieu thereof the figure "50,000.00",

and further amend the bill by striking on page 28 line 23 the figure "50,000.00" and inserting in lieu thereof the figure "150,000.00",

Further amend the bill by adding on page 28 subsection (116) Interstate Mining Compact 4,500.00.

Further amend the bill by adding on page 28 subsection (117) Birmingham Festival of Arts 25,000.00.

Further amend the bill by adding on page 39 (7) immediately following "Luverne Armory 75,000.00" the words and figures: "(For construction of Luverne Armory 60,000.00 of the amount above and 15,000.00 for land acquisition.)"

Further amend the bill on page 8, (5) by striking the figure "78,666.00" and inserting in lieu thereof the figure "200,000.00".

Further amend the bill on page 9, (10) by striking the figure "25,000.00" and inserting in lieu thereof the figure "35,000.00".

Further amend the bill on page 19, (55) line 12 by striking the figure "144,720.00" and adding in lieu thereof the figure "264,720.00". and on page 54 (31) line 12, by striking the figure "144,720.00" and adding in lieu thereof the figure "264,720.00". (Of the amount above 85,000.00 shall be expended for the completion of Constitutional Hall at Huntsville and 35,000.00 for purchase and/or preservation of Steverson Depot in Jackson County, Alabama.

Further amend the bill on page 28, line 5 (110) by adding subsection (5) Big Nance Creek Watershed 2,500.00"

Further amend the bill on page 13, line 18, by striking the figure "1,400,000.00" and adding in lieu thereof the figure "1,500,000.00".

Further Amend House Bill No. 490, as amended, on page 9, by inserting Section II (10), which reads as follows:

"For matching federal funds, if available, monies from any of the above appropriations (II, Judicial), regardless of whether they are also specified, may be used for this purpose."

Amend H. B. 490, as amended by striking therefrom in Section I, Page 2, Line 29 the following figures; \$1,500,000 and substituting in lieu thereof the following: \$2,500,000.00.

Amend House Bill No. 490 as substituted Section 2, III, (31) by, inserting the following: "For transfer to the Alabama Development Office for operation \$1,000,000.00 (conditional upon the condition of the State Treasury and upon the approval of the Governor.)

Amend H. B. 490 as substituted and amended by deleting the figures 2,540,000.00 on Page nine, Section 2, III, A (5) (a) line 32 and inserting in lieu thereof the figures 2,440,000.00.

Further amend H. B. 490 in Section 2, III, A (25) page 13, line 18 by striking the figures 1,400,000.00 and inserting in lieu thereof the figures 1,300,000.00.

Further amend H. B. 490 on Page 14, Section 2, III, A (31) line 10 by striking the figures 2,561,000.00 and inserting in lieu thereof the figures 1,561,000.00.

Further amend H. B. 490, Section 2, III, A (52) (a) line 22 Page 18 by striking the figures 8,677,912.00 and inserting in lieu thereof the figures 7,977,912.00.

Further amend H. B. 490 on Page 20, Section 2 III A (65) line 20 by striking the figures 715,000.00 and inserting in lieu thereof the figures 615,000.00.

Further amend H. B. 490 on Page 22, Section 2 III A (76) lines 18, 19, 20 and 21 by striking said sub-section in its entirety and renumbering all subsequent sub-sections.

Further amend H. B. 490 on Page 23, Section 2 III A (83) line 35 by striking the figures 3,682,000.00 and inserting in lieu thereof the figures 3,332,000.00.

Further amend H. B. 490 as amended in Section 2, III, C, (57) (3) page 73 in line 10 by adding immediately following the words "for transfer to State Department of Mental Health" the words "for operation of Partlow School."

Further amend H. B. 490 in Section 2, III, C, (57) (4) page 73, in line 13 by striking the figures 9,600,000.00 and inserting in lieu thereof the figure 5,000,000.00.

**A BILL
TO BE ENTITLED
AN ACT**

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes: (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an

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appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1976, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

(1) EXPENSES OF THE LEGISLATURE:

(a) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature	1,500,000.00
(b) National Conference of State Legislators ... (For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)	22,500.00
(c) For the printing of Legislative Acts and Journals, Estimated	125,000.00
(d) For Legislative Council expenses	50,000.00

(2) LEGISLATIVE REFERENCE SERVICE:

(a) For operation of the Department:	
For salary of the Director	24,042.00
For other salaries	338,394.00
For other expenses	26,100.00
For equipment purchases	2,000.00
Total	390,536.00
(b) Commission on Intergovernmental Cooperation:	
For salaries, other expenses, equipment purchases and Matching Federal Funds	145,000.00
(Any portion of the above appropriation can be used for Reorganization of the State Government project and employees shall not be subject to the provisions of of the Merit System Law.)	

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(c) Code Revision:
For salaries and expenses, Estimated 10,000.00

**(3) DEPARTMENT OF EXAMINERS
OF PUBLIC ACCOUNTS:**

For salary of the Chief Examiner	22,729.00	
For salary of the Assistant Chief Examiner	21,502.00	
For other salaries	1,780,819.00	
For other expenses	445,000.00	
For equipment purchases	9,000.00	
Total		2,295,000.00

II. JUDICIAL:

(1) THE SUPREME COURT:

For the salaries of the Chief Justice and eight Associate Justices	301,500.00	
For the salary of the Clerk of Court, Est.	26,130.00	
For the salary of the Marshal and Librarian, Estimated	26,130.00	
For the salary of Reporter of Decisions, Estimated	21,502.00	
For the salaries of Law Clerks, Estimated	110,214.00	
For other salaries	356,524.00	
For other expenses	85,000.00	
For equipment purchases	5,000.00	
For printing Alabama Reports, Estimated	13,000.00	
For Advisory Committee Work ..	5,000.00	
For Judicial Education	5,000.00	
Total		955,000.00
For the Supreme Court Library Fund		85,000.00

(2) COURT OF CRIMINAL APPEALS:

For the salaries of the Judges....	165,000.00	
For the salary of Clerk of Court, Estimated	26,130.00	
For the salaries of Law Clerks, Estimated	61,230.00	
For other salaries	112,125.00	
For other expenses	31,000.00	
For equipment purchases	5,000.00	
For printing Appellate Court Reports, Estimated	8,000.00	
Total		408,485.00

(3) COURT OF CIVIL APPEALS:

For the salaries of the Judges ...	99,000.00	
For the salaries of Law Clerks, Estimated	39,238.00	

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For the salary of Clerk of Court, Estimated	26,130.00	
For other salaries	72,915.00	
For other expenses	18,500.00	
For rental of office space	27,125.00	
For equipment and book purchases	1,000.00	
For printing Appellate Court Reports, Estimated	7,200.00	
Total		291,108.00

(4) THE CIRCUIT COURTS:

For the salaries of the Judges of the Circuit Courts, Estimated		2,450,000.00
For travel expenses of Circuit Judges, Estimated		25,000.00
For College of Trial Judges, as provided in Act No. 730, 1967 Regular Session		10,000.00
For telephone service, stationery, stamps, books, equipment purchases and necessary office supplies for the office use of Circuit Judges		50,000.00
For the salaries and travel expenses of special Judges, Estimated		15,000.00
For salaries of District Attor- neys, Estimated	936,000.00	
For salary of elected Deputy District Attorney of the Besse- mer Division of the 10th Judi- cial Circuit	23,000.00	
For the salary of the appointed Assistant Deputy District At- torney of the Bessemer Divi- sion of the 10th Judicial Cir- cuit	3,600.00	
For the salary of the First Deputy District Attorney of the Birmingham Division of the 10th Judicial Circuit	5,700.00	
For the salaries of the Second and Third Deputies District Attorneys of the Birmingham Division of the 10th Judicial Circuit	10,000.00	
For the salaries of the Fourth, Fifth, Sixth, Seventh and Eighth Deputies District At- torneys of the Birmingham Division of the 10th Judicial Circuit: \$4,000.00 each	20,000.00	
For the salary of the Deputy District Attorney of the 1st Judicial Circuit	3,600.00	
For the salary of the Deputy District Attorney of the 4th Judicial Circuit, Estimated	24,000.00	
For the salaries of the Deputies District Attorneys of the 6th Judicial Circuit	14,400.00	

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For the salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00
For the salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00
For the salaries of the Deputies District Attorneys of the 9th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 10th Judicial Circuit	22,000.00
For the salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00
For the salaries of the Deputies District Attorneys of the 13th Judicial Circuit, Estimated	39,625.00
For the salary of the Assistant District Attorney of the 14th Judicial Circuit	7,200.00
For the salaries of the Deputies District Attorneys of the 15th Judicial Circuit	38,600.00
For the salaries of the Deputies District Attorneys of the 16th Judicial Circuit	6,000.00
For the salaries of the Deputies District Attorneys of the 23rd Judicial Circuit	42,000.00
For the salaries of the Deputies District Attorneys of the 26th Judicial Circuit	13,000.00
For the salary of the Deputy District Attorney of the 27th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00
For the salaries of the Deputy District Attorneys of the 31st Judicial Circuit	4,200.00
For the salary of the Deputy District Attorney for the 32nd Judicial Circuit	9,600.00
For the salary of the Deputy District Attorney for the 38th Judicial Circuit	3,600.00
For the travel expenses of the District Attorneys, Estimated ..	40,000.00
For the salary of the stenographic secretary of the 6th Judicial Circuit	1,200.00
For telephone service, stationery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants	50,000.00
(Provided, however, that none of this appropriation shall be	

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expended for books and equipment purchases.) For the salaries of the Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Session	24,000.00
Total	1,385,125.00
For the salary and expenses of Supernumerary District Attorneys, Estimated	125,737.00
(5) DEPARTMENT OF COURT MANAGEMENT: For transfer to the Department of Court Management Fund	78,666.00
(6) COURT REPORTERS: For the compensation of the Circuit Court Reporters, Estimated	350,000.00
For the compensation of the Supernumerary Circuit Court Reporters, Estimated	70,000.00
(7) SUPERNUMERARY JUDGES: For salaries of Supernumerary Judges and Justices, Estimated	275,000.00
For expenses of Supernumerary Judges and Justices, Estimated	35,000.00
(8) JUDICIAL INQUIRY COMMISSION	44,500.00
(9) JUDICIARY RETIREMENT FUNDS, ESTIMATED	885,000.00
(10) PERMANENT STUDY COMMISSION ON ALABAMA'S JUDICIAL SYSTEM	25,000.00
III. EXECUTIVE:	
A. DEPARTMENTS, BOARDS, BUREAUS, AGENCIES AND COMMISSIONS:	
(1) ALABAMA ACADEMY OF HONOR	1,500.00
(Pursuant to provisions of Act No. 15, Third Special Session 1965.)	
(2) STATE BOARD OF ADJUSTMENT: (a) For expenditures by the Board payable from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pursuant to Title 55, Section 343	15,000.00
(b) For expenditures by the Board payable from General Fund the provisions of Act No. 208, 1966 Special Session and Act No. 436, 1967 Regular Session, Estimated	100,000.00
(3) ADVERTISING LANDS FOR TAX SALE, ESTIMATED	14,000.00

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(4) COMMISSION ON AGING—TRANSFER.....	200,000.00
(5) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:	
(a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the Department of Agriculture and Industries.....	2,540,000.00
(b) For transfer to the Department of Agriculture and Industries to be expended by the Meat and Poultry Inspection Division for salaries, other expenses, equipment purchases and automotive equipment purchases	520,000.00
(c) For transfer to the Department of Agriculture and Industries to be expended by the Egg Inspection Division for salaries, other expenses and equipment purchases	53,000.00
(d) For transfer to the Department of Agriculture and Industries to be expended by said Department for salaries, other expenses, equipment purchases, automotive equipment purchases and for purchase of insecticides and chemicals for control of the fire ant	250,000.00
(The above appropriation in item (d) shall be conditional upon the condition of the State Treasury with the approval of the Governor.)	
(6) AGRICULTURE CENTER BOARD:	
(a) For transfer to the Agriculture Center Board for salaries and other expenses	50,265.00
(b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session	90,000.00
(7) ALABAMA AGRICULTURAL AND INDUSTRIAL EXHIBIT COMMISSION	40,000.00
(8) APPALACHAIN REGIONAL DEVELOPMENT PROGRAM	150,000.00
(9) DEPARTMENT OF ARCHIVES AND HISTORY:	
For the salary of the	
Director	22,728.94
For other salaries	189,771.06
For other expenses	40,000.00
For equipment purchases	5,000.00
For expenses of printing of the Alabama Historical Quarterly	7,500.00
For expenses of printing of the Statistical Register	10,000.00
Total	275,000.00

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(10) ARREST OF ABSCONDING FELONS:		
For expenses incident to the arrest of absconding felons, Estimated		2,000.00
(11) ALABAMA COUNCIL ON THE ARTS AND HUMANITIES:		
For transfer to the Council on the Arts and Humanities		100,000.00
(12) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES, ESTIMATED		37,500.00
(As provided in Act No. 176, 1947 Acts, page 61)		
(13) OFFICE OF THE ATTORNEY GENERAL:		
For the salary of the Attorney General	33,500.00	
For the salary of the Deputy Attorney General	32,500.00	
For the salary of the Executive Assistant, Estimated	26,130.00	
For other salaries	575,000.00	
For other expenses	110,000.00	
For equipment purchases	6,000.00	
For automotive equipment purchases	5,000.00	
For special investigation as provided by Act No. 1080, 1969 Regular Session	15,000.00	
Total		803,103.00
(For Matching Federal Funds, if available, \$60,000 from any of the above appropriations may be used for this purpose.)		
(14) OFFICE OF THE STATE AUDITOR:		
(a) For operation of the Department:		
For the salary of the State Auditor	22,970.00	
For other salaries	160,000.00	
For other expenses	37,030.00	
For equipment purchases	5,000.00	
Total		225,000.00
(b) Office of the State Auditor—Property Inventory:		
For salaries	50,000.00	
For other expenses	9,150.00	
For equipment purchases	850.00	
Total		60,000.00

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(15)	AUTOMATIC APPEAL EXPENSE, ESTIMATED	3,000.00
	Provided in 1943 Acts of Legislature, page 217.	
(16)	COOSA-ALABAMA DEVELOPMENT AUTHORITY	12,500.00
(17)	TRANSFER TO STATE DOCKS DEPARTMENT: For dredging and constructing the Theo- dore ship channel	2,000,000.00
(18)	(a) STATE BANKING DEPARTMENT: For transfer to the State Banking De- partment	113,000.00
	(b) BANKING DEPARTMENT— BUREAU OF LOANS: For transfer to the State Banking De- partment	140,000.00
(19)	BICENTENNIAL COMMISSION, ALABAMA	30,000.00
(20)	BUILDING COMMISSION: For salaries, other expenses, equipment purchases and automotive equipment purchases	100,000.00
(21)	ALABAMA HISTORICAL COMMIS- SION—TRANSFER	7,000.00
	(For operation of Cahaba Historical Site in accordance with Act No. 155, 1975 Third Special Session.)	
(22)	ALABAMA WING OF CIVIL AIR PATROL	35,000.00
(23)	CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSES- MENTS APPEALS, ESTIMATED	100.00
(24)	DEPARTMENT OF CIVIL DEFENSE: (a) For salaries, other expenses and equipment purchases	195,000.00
	(b) For matching Federal Funds—Disas- ter Relief	1,215,000.00
(25)	DEPARTMENT OF CONSERVATION: For transfer to Conservation—State Park Fund— For salaries, other expenses, equipment purchases and capital outlay for the State Parks Division	1,400,000.00
(26)	BOARD OF CORRECTIONS: For transfer to Board of Corrections	7,500,000.00
(27)	COUNCIL OF STATE GOVERNMENTS ..	30,790.00
(28)	COURT COSTS, ESTIMATED	250,000.00
	To be paid by the State of Alabama pur- suant to Act No. 558, 1957 Acts, page 777.	

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(29) COURT COSTS, ESTIMATED	65,000.00
To be paid by the State of Alabama not otherwise provided for.	
(30) DEPARTMENTAL EMERGENCY FUND.....	450,000.00
This is the appropriation contemplated in Section 105, Title 55 of the Code of Alabama 1940 and shall be the only amount appropriated and the total amount expended under the provisions of said section.	
(31) ALABAMA DEVELOPMENT OFFICE:	
For transfer to Alabama Development Office for operations	2,561,000.00
(32) ELECTION EXPENSES, ESTIMATED	900,000.00
(33) ELK RIVER DEVELOPMENT ASSOCIATION	5,000.00
(34) STATE EMPLOYEES INSURANCE	450,000.00
To pay the State's share of the State Employees Insurance Program, estimated.	
(35) STATE EMPLOYEES INSURANCE BOARD:	
For salaries	31,750.00
For other expenses	5,900.00
For equipment purchases	350.00
Total	38,000.00
(36) EMPLOYEES' RETIREMENT FUND—STATE'S PART, ESTIMATED	3,300,000.00
(37) ETHICS COMMISSION, ALABAMA:	
For operations of the Alabama Ethics Commission	100,000.00
(38) FAIR TRIAL TAX—TRANSFER	100,000.00
To be expended in accordance with Act No. 525 and Act No. 526, 1963 Regular Session.	
(39) FARMERS' MARKET AUTHORITY:	
For transfer to the Farmer's Market Authority for the operation of the Farmers' Market Authority	53,000.00
(40) FEEDING OF PRISONERS:	
For expenses of feeding prisoners in county jails, Estimated	1,300,000.00
(41) DEPARTMENT OF FINANCE:	
(a) Director's Office:	
For the salary of the Director, Estimated ..	24,000.00
For the salary of the Assistant Director, Estimated	23,699.00

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For other salaries	12,246.00	
For other expenses	8,500.00	
Total		68,445.00
(b) Division of the Budget:		
For salaries	232,400.00	
For other expenses	16,600.00	
For equipment purchases	11,000.00	
To carry out the provisions of the Governor's Committee on Fiscal Responsibility's Contractual Services for Program Budgeting initiation	150,000.00	
Total		410,000.00
(c) Division of Control and Accounts:		
For salaries	475,000.00	
For other expenses	200,000.00	
For equipment purchases	5,000.00	
Total		680,000.00
(d) Legal Division:		
For salaries	57,630.00	
For other expenses	6,370.00	
For equipment purchases	1,000.00	
Total		65,000.00
(e) Data Systems Management—Transfer		150,000.00
(f) Data Systems Management Revolving Fund		450,000.00
(g) Division of Printing and Publications		50,000.00
(h) Division of Purchases and Stores:		
For salaries	304,500.00	
For other expenses	35,000.00	
For equipment purchases	2,000.00	
Total		341,500.00
(i) Division of Service:		
For salaries	782,000.00	
For other expenses	360,000.00	
For equipment purchases	15,000.00	
Total		1,157,000.00
(j) Space Management Operations		60,000.00
(k) Equipment purchases for the State Offices in the Executive, Administrative and Judicial Departments		5,000.00

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(42)	MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR		100,000.00
(43)	ALABAMA FORESTRY COMMISSION:		
	For transfer to the Alabama Forestry Commission—For salaries, other expenses, equipment purchases and automotive equipment purchases		1,500,000.00
(44)	FORT MORGAN HISTORICAL COMMISSION:		
	For salaries	37,000.00	
	For other expenses	20,000.00	
	For equipment purchases	2,800.00	
	Total		59,800.00
(45)	GEOLOGICAL SURVEY:		
	For the salary of the State Geologist	26,591.00	
	For other salaries	350,000.00	
	For other expenses	110,000.00	
	For equipment purchases	5,000.00	
	For operation of new building	18,409.00	
	For matching funds for investigation of water, mineral & energy resources of the State	180,000.00	
	For test drilling	25,000.00	
	For topographic Mapping	25,000.00	
	Total		740,000.00
(46)	GORGAS MEMORIAL BOARD		9,500.00
	To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount.		
(47)	THE GOVERNOR'S OFFICE:		
	(a) For operation of the Department:		
	For the salary of the Governor	28,955.00	
	For the salary of the Executive Secretary	22,729.00	
	For the salary of the Legal Advisor	22,729.00	
	For the salary of the Press Secretary	22,729.00	
	For the salary of the Confidential Assistant	22,729.00	
	For other salaries	147,204.00	
	For other expenses	105,000.00	
	For printing Governor's State Budget, Estimated	22,000.00	
	For equipment purchases	3,500.00	

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For automotive equip- ment purchases	8,000.00	
Total		405,575.00
(b) For the Governor's Emergency Fund, to be expended at the direction of the Governor		100,000.00
(c) For the Governor's Controlled Con- tingency Fund		60,000.00
(d) For Governor's Office— Consumer Agency:		
For salaries	119,000.00	
For other expenses	40,000.00	
For equipment pur- chases	1,000.00	
Total		160,000.00
(e) For the Mansion Fund		45,000.00
(f) For the Governor's Mansion at Gulf Shores		10,000.00
(g) For the Governor's Committee on Reorganization of State Govern- ments		38,500.00
(48) EXPENSES OF GOVERNOR'S PROCLA- MATION, ESTIMATED		150,000.00
(49) NATIONAL GOVERNOR'S CONFERENCE		16,150.00
(50) GOVERNOR'S RETIREMENT, ESTI- MATED		9,000.00
(51) GOVERNOR'S WIDOWS RETIREMENT, ESTIMATED		14,400.00
(52) DEPARTMENT OF HEALTH:		
(a) For Administration of all State Health Services and Programs (excluding Medicaid)		8,677,912.00
(b) For Medicaid: For transfer to the Medicaid Account		50,600,000.00
(53) HELEN KELLER HOME:		
For operation and maintenance		5,000.00
(54) OFFICE OF HIGHWAY AND TRAFFIC SAFETY:		
For transfer to Office of Highway and Traffic Safety		75,000.00
(55) ALABAMA HISTORICAL COMMISSION:		
For transfer to Alabama Historical Com- mission		144,720.00
(56) HISTORIC CHATTAHOOCHEE COMMIS- SION		74,650.00
(57) RICHMOND PEARSON HOBSON ME- MORIAL BOARD		9,500.00
To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount.		

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**(58) DEPARTMENT OF INDUS-
TRIAL RELATIONS:**

For salaries	389,400.00
For other expenses	70,000.00
For equipment purchases	1,000.00
For automotive equipment purchases	4,600.00

Total	465,000.00
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**(59) DEPARTMENT OF INSUR-
ANCE:**

For salary of the Director	24,487.71
For other salaries	399,512.29
For other expenses	118,000.00
For equipment purchases	3,000.00
For automotive equipment purchases	5,000.00

Total	550,000.00
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**(60) INTERPRETER'S ACCOUNT, ESTI-
MATED**

100.00

(To carry out provisions of Act No. 799,
1965 Regular Session.)

(61) COURT OF JUDICIARY:

For salaries	2,500.00
For other expenses	4,150.00
For equipment purchases	200.00

Total	6,850.00
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**(62) STATE LABOR DEPART-
MENT:**

For salary of the Director	22,729.00
For other salaries	105,571.00
For other expenses	26,200.00
For equipment purchases	500.00

Total	155,000.00
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(63) LAGRANGE HISTORICAL COMMISSION

2,500.00

(To provide the appropriation and for the
expenditures authorized by Act No. 551,
1943 Acts, page 540.)

**(64) LAW ENFORCEMENT LEGAL DEFENSE,
ESTIMATED**

2,000.00

(To carry out provisions of Act No. 259,
1957 Regular Session.)

**(65) ALABAMA LAW ENFORCEMENT PLAN-
NING AGENCY:**

For matching Federal Funds	715,000.00
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**(66) TRANSFER TO TELEPHONE REVOLV-
ING FUND**

576,720.00

(67) LIVESTOCK COLISEUM:

For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum	140,000.00
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(68) MAILING TAX NOTICES, ESTIMATED	7,500.00
(69) MENTAL HEALTH:	
For transfer to Special Mental Health Fund	14,800,000.00
(70) MILITARY DEPARTMENT:	
(a) For operation of the Department:	
For salary of the Adjutant General	22,729.00
For other salaries	528,271.00
For other expenses	110,000.00
For equipment purchases	4,000.00
Total	665,000.00
(b) For Quarterly Allowances:	
For Headquarters	5,000.00
For Regular Allowance to Units	363,500.00
Provided that not more than \$5,000 may be allotted in any fiscal year for the Headquarters, Alabama National Guard	
(c) For Active Military Service—Active National Guard	100,000.00
(d) For transfer to the Armory Commission:	
For care and maintenance of armories	950,000.00
For construction of armories	1,006,000.00
(71) OIL AND GAS BOARD:	
(a) Operations of Board:	
For salaries	419,500.00
For other expenses	100,000.00
For equipment purchases	5,000.00
For salaries, other expenses, equipment purchases and automotive equipment purchases to be allotted upon opening of New Oil and Gas Fields	40,000.00
Total	564,500.00
(b) For the Oil and Gas Board to monitor offshore oil drilling	60,000.00
(72) BOARD OF PARDONS AND PAROLES:	
For salaries of Board Members	63,321.00
For other salaries	1,471,679.00
For other expenses	150,000.00
For equipment purchases	9,000.00

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For Federal matching Funds	50,000.00	
Total		1,744,000.00
(73) DEPARTMENT OF PENSIONS AND SECURITY:		
For transfer to the Department of Pensions and Security for the support, maintenance and operations of the functions of Pensions and Security.....		13,000,000.00
(74) PERSONNEL DEPARTMENT:		
For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department		109,760.00
(75) FIRST WHITE HOUSE OF CONFEDERACY		11,500.00
(76) COMMISSION TO PRE-SERVE THE PEACE:		
For salaries	31,500.00	
For other expenses	27,000.00	
Total		58,500.00
(77) PRESIDENTIAL ELECTORAL EXPENSE, ESTIMATED		600.00
(78) PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES, ESTIMATED.....		10,000.00
(79) BOARD OF EXAMINERS OF PSYCHOLOGY:		
For transfer to Board of Examiners of Psychology for operation		1,600.00
(80) BUREAU OF PUBLICITY AND INFORMATION:		
(a) For operation of the Department:		
For salary of the Director	20,533.00	
For other salaries	58,467.00	
For other expenses	63,000.00	
For equipment purchases	1,000.00	
For Ave Maria Grotto ..	2,500.00	
For Blue and Grey Football Game	10,000.00	
For Guntersville Boat Races	9,500.00	
For Lake Eufaula Festival	10,000.00	
For Mobile Carnival Association	5,000.00	
For Mobile Junior Miss Pageant	25,000.00	
For National Peanut Festival Association....	10,000.00	

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	For Spirit of America Festival, Inc.	5,000.00	
	For Alonzo Stagg Bowl	5,000.00	
	For Alabama Mountain Lake Association	20,000.00	
	For Gulf Shores Tourist Association	15,000.00	
	For The Chilton County Peach Festival	5,000.00	
	Total		265,000.00
(b)	Welcome Centers:		
	For salaries	125,000.00	
	For other expenses	35,000.00	
	For Bureau's share in constructing and equipping Welcome Centers	100,000.00	
	Total		260,000.00
(81)	DISTRIBUTION OF PUBLIC DOCUMENTS, ESTIMATED		30,000.00
(82)	TALLACOOSA MOUNTAIN LAKE ASSOCIATION		10,000.00
(83)	DEPARTMENT OF PUBLIC SAFETY:		
	For the salary of the Director	22,729.00	
	For other salaries	10,580,271.00	
	For other expenses	3,682,000.00	
	For Workman's Compensation Insurance, Est.	140,000.00	
	For equipment purchases	150,000.00	
	For automotive equipment purchases	750,000.00	
	Total		15,325,000.00
(84)	REGISTRATION OF VOTERS, ESTIMATED		450,000.00
(85)	REMOVAL OF PRISONERS:		
	For expenses incident to removal of prisoners, Estimated		75,000.00
(86)	DEPARTMENT OF REVENUE:		
(a)	For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department		1,201,096.54
(b)	For Auto Title and Auto Theft Fund		500,000.00
(c)	Boards of Equalization:		
	For salaries of the members and employees of the county boards of equalization	143,750.00	
	For other expenses	4,000.00	
	Total		147,750.00

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(d) Equalization Fund		250,000.00
(This is the appropriation set out under Act No. 160, 3rd Special Session of the 1971 Alabama Legislature.)		
(87) RIVERBOAT ASSOCIATION, MONTGOMERY		25,000.00
(88) OFFICE OF SECRETARY OF STATE:		
(a) For operation of the Department:		
For the salary of the Secretary of State	22,959.00	
For other salaries	78,026.00	
For other expenses	29,250.00	
For equipment pur- chases	2,500.00	
Total		132,735.00
(b) Law Books Inventory:		
For salaries	9,000.00	
For other expenses	4,000.00	
For equipment pur- chases	2,000.00	
Total		15,000.00
(c) Uniform Commercial Code:		
For salaries	56,000.00	
For other expenses	28,000.00	
For equipment pur- chases	3,500.00	
Total		87,500.00
(89) SECURITIES COMMISSION:		
For salaries	104,000.00	
For other expenses	15,000.00	
For equipment purchases....	5,000.00	
Total		124,000.00
(90) STATE'S SHARE OF SOCIAL SECURITY, ESTIMATED		1,200,000.00
(91) SOCIAL SECURITY ADMINISTRATION:		
For salaries	115,000.00	
For other expenses	19,000.00	
For equipment purchases	2,000.00	
Total		136,000.00
(92) SOIL CONSERVATION COMMITTEE:		
For salaries	46,122.00	
For other expenses	71,778.00	
For Watershed Planning Party	75,000.00	

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Water Conservation Districts		60,300.00	
For equipment purchases		1,000.00	
Total			254,200.00
(93)	SOUTHERN INTERSTATE NUCLEAR BOARD		11,057.00
(94)	WOMEN'S COMMISSION, ALABAMA		10,000.00
(95)	SPORTS HALL OF FAME BOARD		25,000.00
	(To carry out provisions of Act No. 225, 1967 Regular Session.)		
(96)	ALABAMA STEER SHOW ASSOCIATION		10,000.00
(97)	TANNEHILL FURNACE AND FOUNDRY COMMISSION		25,000.00
(98)	TENNESSEE RIVER DEVELOPMENT AUTHORITY		10,000.00
(99)	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY		120,000.00
	(To carry out the provisions of Act No. 355, 1957 Regular Session, approved August 23, 1957.)		
(100)	STATE TOXICOLOGIST:		
	For the salary of the State Toxicologist	26,252.00	
	For other salaries	420,748.00	
	For other expenses	80,000.00	
	For equipment purchases	25,000.00	
	For automotive equipment purchases	8,000.00	
	For Matching Federal Funds	60,000.00	
Total			620,000.00
(101)	OFFICE OF THE STATE TREASURER:		
	For the salary of the State Treasurer	22,959.00	
	For other salaries	300,000.00	
	For other expenses	75,000.00	
	For equipment purchases	12,000.00	
	For vault equipment purchases	3,000.00	
Total			412,959.00
(102)	STATE TREASURER—PREVIOUS YEAR UNPAID WARRANTS, ESTIMATED		50,000.00
(103)	TRI-RIVERS DEVELOPMENT ASSOCIATION		30,000.00
(104)	COMMISSION ON UNIFORM STATE LAWS		4,000.00
	(Total amount appropriation by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission.)		

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(106) DEPARTMENT OF VETERANS AFFAIRS:		
For the salary of the Service Commissioner	19,996.00	
For other salaries	1,186,995.00	
For other expenses	67,000.00	
For equipment purchases	4,000.00	
For contract with Veterans of Foreign War Organization	36,000.00	
For contract with disabled American Veterans Organization	9,000.00	
Automotive Equipment Purchases	16,000.00	
Total		1,338,991.00
(107) NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM, ALABAMA		3,000.00
(108) VETERANS DAY COMMISSION, ALABAMA		1,500.00
(109) VETERANS DAY COMMISSION, NATIONAL		1,500.00
(110) WATERSHED CONSERVANCY DISTRICTS:		
(1) Bear Creek Watershed Association	35,000.00	
(2) Choccolocco Watershed	4,000.00	
(3) Crooked Creek Watershed	2,500.00	
(4) Ketchepedrake Watershed	2,500.00	
(111) LAW ENFORCEMENT PLANNING AGENCY:		
Diversion Investigating Unit	350,000.00	
(Conditional upon the condition of the State Treasury and upon the approval of the Governor.)		
(112) TALLASSEEHATCHEE WATERSHED	2,500.00	
(113) Transfer to State Highway Department	13,500,000.00	
For Transfer to State Highway Department conditional upon the condition of the State Treasury and with the approval of the Governor	3,000,000.00	
(114) Pea River Historical and Genological Society of Enterprise	25,000.00	
(115) Agricultural and Industrial Exhibit Commission For the construction of a Swine Pavilion	50,000.00	
B. DEBT SERVICE:		
(1) For the payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII	281,440.00	

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(2) For interest on Spanish American War Veterans Fund, Estimated	294.86
(3) For the payment of principal and interest due on bonds issued by State Docks—Inland Waterways, pursuant to Constitutional Amendment No. CXVI, Estimated....	1,851,512.50
(4) For the payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session, Estimated....	771,495.00
(5) For the payment of principal and interest due on bonds issued for the Space Exhibit Commission pursuant to Constitutional Amendment No. CCXXIV	227,480.00
(6) For the payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided by in Act No. 248, 1967 Regular Session, Estimated	438,445.00

C. FROM FUNDS OTHER THAN GENERAL FUND:

(1) ALABAMA STATE BOARD PUBLIC ACCOUNTANCY:

For salaries, other expenses and equipment purchases	105,000.00
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In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant.

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

(2) AERONAUTICS DEPARTMENT:

(a) For the salary of the Director, Estimated	22,729.00
For other salaries	70,000.00
For other expenses	40,079.00
For equipment purchases	1,000.00

Total	133,808.00
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(b) For State Aid to Airports—

For Airports and Airmarkings	450,000.00
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The above appropriation to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

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(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts	200,000.00
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The above appropriation is payable from the funds transferred to this account in Item III A (4) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.

(4) AGRICULTURE AND INDUSTRIES:

(a) For the salary of the Commissioner	22,959.00
For other salaries	2,576,863.00
For other expenses	910,000.00
For equipment purchases	80,000.00
For automotive equipment purchases	109,738.00
For transfer to State Personnel Department	10,990.00
For transfer to Agriculture Center Board	54,450.00
For awarding prizes and premiums	20,000.00
For transfer to Telephone Revolving Fund	18,900.00
Total	3,803,900.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriations made to said fund in Item III A (5)(a). The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables, and any other services connected with the operations of Agriculture and Industries in the State of Alabama.

Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries	66,000.00
For other expenses	14,550.00

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For equipment purchases	1,000.00
For automotive equipment purchases -----	11,000.00

Total -----	92,550.00
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The above appropriations are payable from funds in the Egg Inspection Fund and shall include the appropriations made to said fund in Item III A (5) (c).

(c) Meat and Poultry Inspection Division:

For salaries -----	850,000.00
For other expenses -----	215,000.00
For equipment purchases -----	4,000.00

Total -----	1,069,000.00
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The above appropriations are payable from the funds to the credit of the Meat and Poultry Inspection Fund and shall include the appropriation made herein in Item III A (5) (b).

(d) Plant Industry Division
(Fire Ant Control)

For salaries, other expenses, equipment purchases and for purchase of insecticides and chemicals for control of the fire ant, estimated -----

250,000.00

The above appropriations are payable from the funds transferred to this account in Item III A (5) (d) of this Act. In addition to the above appropriation, any funds received for this work from the Federal Government and grants and contributions from other sources are hereby appropriated.

(e) Agriculture Center Board:

For salaries -----	36,036.00
For other expenses -----	9,100.00
For rental (Livestock Coliseum, Montgomery) -----	54,450.00

Total -----	99,586.00
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The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in Item III A (6) (a) and Item III C (4) (a).

(f) Livestock Coliseum:

For salaries -----	115,000.00
For other expenses -----	165,000.00
For equipment purchases -----	6,000.00
For repairs to Coliseum -----	25,000.00

Total -----	311,000.00
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The funds hereinabove appropriated to the Agricultural Center Board for the

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Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation herein above includes the appropriation made to said Fund as provided in Item III A (67).

(g) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956).

For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(5) ALCOHOLIC BEVERAGE
CONTROL BOARD:

(a) Administrative and Stores
Division:

For the salary of the Administrator	22,729.00	
For other salaries	10,336,115.93	
For other expenses (Transportation cost for merchandise excluded ..	3,342,074.00	
For equipment purchases	223,043.00	
For automotive equipment purchases	5,000.00	
Awards for Convictions, estimated	1,000.00	
For transfer to State Personnel Department	36,750.00	
For transfer to Mental Health Department	375,000.00	
For transportation cost on merchandise, estimated	490,193.00	
For transfer to Telephone Revolving Fund	11,340.00	
		14,843,244.93

In addition to the above appropriations herein made there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum

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required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For salaries	1,520,060.00
For other expenses	563,996.00
For equipment purchases	34,000.00
For automotive equipment purchases	160,000.00

Total

2,278,056.00

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For salaries	629,388.00
For other expenses	317,972.00
For equipment purchases	4,500.00

Total

951,860.00

In addition to the above appropriation it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall,

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during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	10,000.00
For other expenses	22,000.00
For equipment purchases	300.00

Total 32,300.00

The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

For salaries and other expenses	1,009,000.00
For equipment purchases	10,000.00
For automotive equipment purchases	5,000.00
For Matching Federal Funds for the Construction and Renovations of Armories:	
Elba	80,000.00
Enterprise	193,000.00
Gadsden	160,000.00
Guntersville	114,000.00
Jacksonville	134,000.00
Birmingham—Fort John C. Persons	250,000.00
Luverne Armory	75,000.00

Total 2,030,000.00

The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories and construction as provided in Item III A(70)(d) in this Act. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

(8) ALABAMA COUNCIL ON THE ARTS AND HUMANITIES:

For salaries, other expenses, and equipment purchases	100,000.00
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The funds hereinabove appropriated to the Alabama Council on the Arts shall be

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paid out of the Council on the Arts Fund and the appropriation hereinabove made includes the appropriation made in Item III A(11) of the Act.

(9) DEPARTMENT OF BANKING:

(a) Bureau of Banking:

For salaries, other expenses, equipment purchases and automotive equipment purchases, estimated	537,000.00
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The above appropriation shall be paid from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session.

(b) Bureau of Credit Unions:

For salaries	69,667.00
For other expenses	28,115.00
For equipment purchases	1,000.00

Total	98,782.00
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The above appropriation shall be paid from the Banking Department—Bureau of Credit Unions as provided in Act No. 2293, Regular Session 1971.

**(10) DEPARTMENT OF BANKING—
LOAN EXAMINATION FUND:**

For salaries	230,000.00
For other expenses	65,000.00
For equipment purchases	500.00

Total	295,500.00
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The above appropriation shall be paid out of the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session.

**(11) ALABAMA STATE BAR
ASSOCIATION:**

For salaries	100,000.00
For other expenses	135,000.00
For equipment purchases	500.00

Total	235,500.00
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The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(12) ALABAMA BICENTENNIAL COMMISSION:

For salaries and expenses	30,000.00
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The above appropriation is payable out of the funds to the credit of the Alabama Bicentennial Commission Fund and shall also include the appropriation in Item III A (19).

**(13) STATE BOARD OF
CHIROPRACTIC EXAMINERS:**

For salaries	3,000.00
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For other expenses	7,700.00	
Total		10,700.00

The above appropriation shall be paid out of the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(14) CONSERVATION DEPARTMENT:

(a) Administrative Division:

For salary of the Director	22,728.94	
For other salaries	493,079.90	
For other expenses	307,172.00	
For equipment purchases	8,000.00	
For transfer to Personnel Department	17,010.00	
For transfer to telephone revolving Fund	7,560.00	855,550.84

The above appropriations shall be paid out of the Department of Conservation-Administrative Fund and includes the appropriations made to this Division as provided in this section.

(b) Game and Fish Division:

For salaries	2,953,643.00	
For other expenses	1,384,363.00	
For equipment purchases	198,000.00	
For automotive equipment purchases	232,140.00	
For transfer to Conservation Department—Administrative Account	339,505.81	
For transfer to Telephone Revolving Fund	7,380.00	5,115,031.81

The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.

(c) State Lands Division:

1. For salaries	85,000.00	
For other expenses	30,000.00	
For equipment purchases	5,000.00	
For transfer to Conservation Department—Administrative Account	14,000.00	134,000.00

The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund.

2. In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring

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mineral reserves and the develop-
 ment thereof on State lands includ-
 ing water and offshore areas

125,000.00

(d) Marine Police Division:

For salaries	648,051.00
For other expenses	274,000.00
For equipment purchases	90,000.00
For automotive equip- ment purchases	70,000.00
For transfer to Conserva- tion Department — Ad- ministrative Account	126,101.00

Total

1,206,152.00

The funds hereinabove are appropriated
 to the Marine Police Division of Ma-
 rine Police Fund.

(e) Marine Resources Division:

For salaries	360,000.00
For other expenses	115,000.00
For equipment purchases	5,000.00
For automotive equip- ment purchases	5,000.00
For transfer to Conserva- tion Department — Ad- ministrative Account	45,000.00
For Gulf State Marine Fisheries Commission	5,000.00

Total

535,000.00

In addition to the monies hereinabove
 appropriated, all monies derived from
 contracts, grants, or other agree-
 ments concerning or relating to ma-
 rine biological research performed or
 accomplished at the Marine Resources
 Division Laboratory at Dauphin Is-
 land is hereby appropriated to the
 Division of Marine Resources and may
 be expended by the Director of Con-
 servation on such Marine Resources
 Division Programs or projects which
 he deems appropriate.

The funds hereinabove appropriated to
 the Marine Resources Division shall be
 paid out of the Marine Resources
 Fund.

(f) State Parks Division:

For salaries, other expenses, equip-
 ment purchases, automotive equipment
 purchases, capital outlay and for trans-
 fer to Conservation — Administrative
 Account, Estimated

1,086,100.00

(Provided, however, of the amount ap-
 propriated hereinabove no less than
 \$100,000.00 shall be expended for
 operation and maintenance of Tanne-
 hill State Park.)

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The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund. The funds hereinabove appropriated shall include the appropriations made in Item III A (25) in this Act.

**(15) STATE LICENSING BOARD
FOR GENERAL CONTRACTORS:**

For salaries	77,000.00
For other expenses	42,000.00
For equipment purchases	7,800.00

Total	126,800.00
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In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable out of the funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(16) BOARD OF CORRECTIONS:

For the salary of the Commissioner	23,866.00
For other salaries	5,203,655.00
For other expenses	3,100,000.00
For equipment purchases	150,000.00
For automotive equipment purchases	100,000.00
For Debt Service, estimated	60,000.00
For transfer to the State Personnel Department	21,560.00

8,659,081.00

The funds hereinabove appropriated to the Board of Corrections shall be paid out of the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III A(26) of this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

**(17) ALABAMA BOARD OF
COSMETOLOGY:**

For salaries	96,941.00
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For other expenses	85,000.00	
For equipment purchases	5,000.00	
For construction of building	75,000.00	261,941.00

The above appropriations shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(18) DAIRY COMMISSION:

For salaries	177,570.00	
For other expenses	100,000.00	
For cost study	20,000.00	
For equipment purchases	1,500.00	299,070.00

The above appropriations shall be paid out of the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(19) ALABAMA DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, automotive equipment purchases, national advertising and industrial promotion and contracts, estimated	2,561,000.00
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The above appropriations shall be paid from Alabama Development Office Fund and shall include appropriations made in Item III A (31) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source are hereby appropriated.

(20) ALABAMA STATE DOCKS BOARD:

For transfer to the State Personnel Department	3,640.00
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The above appropriations shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(21) STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:

For salaries	60,400.00	
For other expenses	45,000.00	
For investigations and court costs	15,000.00	
For equipment purchases	500.00	

Total

120,900.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

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(22) ALABAMA ETHICS COMMISSION:

For operations of the Alabama Ethics Commission, estimated	136,000.00
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The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (37) of this Act.

(23) FARMERS MARKET
AUTHORITY:

For salaries	31,559.00
For other expenses	13,841.00

Total	45,400.00
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The above appropriations shall be paid from the funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (39) of this Act.

(24) DEPARTMENT OF FINANCE:

Data Systems Management:

For operations of Data Systems Management	150,000.00
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The above appropriations shall be paid from the Data Systems Management Fund and shall include the appropriation herein made in Item III A (41) (e) of this Act.

(25) FIRE MARSHALL FUND:

For salaries	100,000.00
For other expenses	85,000.00
For equipment purchases	2,500.00

Total	187,500.00
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The above appropriations shall be paid from the Fire Marshall fund as provided in Act 1938, 1971 Regular Session.

(26) STATE FORESTRY
COMMISSION:

For salaries	3,800,000.00
For other expenses	902,065.00
For equipment purchases	150,000.00
For automotive equipment purchases	73,755.00
For transfer to State Personnel Department	12,180.00
For transfer to Tel. Revolving Fd.	19,440.00
	4,957,440.00

The funds hereinabove appropriated to the Forestry Commission shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III A (43) of this Act. It is provided that in the event receipts into the Forestry

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Fund from County appropriations exceed the sum of \$500,000.00, then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Fund from Federal Funds exceed the sum of \$793,000.00, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(27) STATE BOARD OF REGISTRATION FOR FORESTERS:

For other expenses	7,305.00
For equipment purchases	700.00
Total	

8,005.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.

(28) LICENSING BOARD FOR THE HEALING ARTS:

For salaries	46,318.00
For other expenses	14,250.00
For equipment purchases	15,000.00
Total	

75,568.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(29) HEALTH DEPARTMENT:

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, estimated

1,656,785.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act. No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases, and transfers for County Health Work, estimated

2,121,300.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275 1967 Regular Session.

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(c) **County Health Work:**

For salaries, other expenses, and equipment purchases, estimated 2,869,000.00

The above appropriations are payable from any funds transferred to this account in Item III A (52) (a) and funds transferred in Item III C (29) (a) and Item III C (29) (b) in this Act. In addition to the above appropriation, and funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) **Ambulance Operators
(Emergency Medical Services)**

For salaries, other expenses and equipment purchases, estimated 55,650.00

The above appropriations are payable from the funds in the Emergency Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A (52) (a) of this Act.

(e) **Hearing Aid:**

For salaries	2,867.00
For other expenses	9,150.00
For equipment purchases	600.00

Total 12,617.00

The above appropriations are payable from the funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) **Hospital Licensing:**

For salaries and other expenses, estimated 37,500.00

The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and the appropriation hereinabove made shall include any funds transferred in Item III A (52) (a) in this Act.

(g) **Indigent Care:**

For salaries and for distribution to counties, estimated 337,442.00

The above appropriations are payable from any funds transferred to this account in Item III A (52) (a) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

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- (h) **Medicaid:**
 For the operation of the Medicaid Program 50,600,000.00
 The above appropriations are payable from the funds transferred to this account in Item III A (52) (b) of this Act. In addition to the above appropriations, any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government are hereby appropriated.
- (i) **Bureau of Vital Statistics:**
 For salaries, other expenses and equipment purchases, estimated 410,000.00
 The above appropriations are payable from the funds in the Vital Statistics Fund and shall include any funds transferred to this account in Item III A (52) (a) of this Act.
- (j) **Water Plant Operators Certifications:**
 For expenses and equipment purchases 4,250.00
 The above appropriations are payable from the funds in the Water Plant Operators Certifications Fund as provided in Act No. 1594, 1971 Regular Session.
- (k) **Water Well Standards Board, Alabama:**
 For salaries, other expenses and equipment purchases 48,933.00
 The above appropriations are payable from the Water Wells Standards Board Fund as provided in Act No. 1516, 1971 Regular Session.
- (30) **THE OFFICE OF HIGHWAY AND TRAFFIC SAFETY:**
 For salaries, other expenses, and equipment purchases 75,000.00
 The above appropriations are payable from the funds transferred to this account in Item III A (52) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.
- (31) **ALABAMA HISTORICAL COMMISSION:**
 For operations of the Alabama Historical Commission 144,720.00
 The above appropriations shall be paid from the Alabama Historical Commission Fund transferred to this account in Item III A (55) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Historical Commission from whatever source are hereby appropriated.

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(32) DEPARTMENT OF INDUSTRIAL
RELATIONS:

For the salary of the Director, estimated	22,694.00
For transfer to the State Personnel Department	35,420.00
For transfer to Telephone Revolving Fund	159,536.00
For other salaries and expenses incident to the operation and management of the De- partment; for U. S. Employment Service, U. S. Unemployment Compensation, and for such other funds, services and opera- tions for which the United States Govern- ment may provide monies; there is here- by appropriated. In addition to the amounts appropriated herein in Item III A (58) all such sums as the United States Government may make available therefor.	

(33) STATE INSURANCE FUND:

For salaries	161,470.00	
For other expenses	53,331.00	
For equipment purchases	3,000.00	
For automotive equipment purchases	5,000.00	
Total		222,801.00

The above appropriations are payable from
the funds in the State Treasury to the
credit of the State Insurance Fund, pur-
suant to Title 28, Section 325, Code of
Alabama 1940.

(34) LAW ENFORCEMENT FUND 10,000.00

The above appropriations shall be paid from
the proceeds deposited to the credit of the
Law Enforcement Fund pursuant to Title
29, Section 251, Code of Alabama 1940, as
amended, and the expenditures authorized
from such funds are limited to the amount
appropriated herein.

(35) LIQUEFIED PETROLEUM
GAS BOARD:

For salary of Director, estimated	18,018.00	
For other salaries	35,582.00	
For other expenses	17,000.00	
For equipment purchases	1,000.00	
Total		71,600.00

The above appropriations shall be paid from
receipts paid into the Liquefied Petroleum
Gas Fund.

(36) BOARD OF NURSES'
EXAMINERS AND
REGISTRATION:

For salaries	123,270.00
For other expenses	95,000.00

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For equipment purchases.....	2,500.00
For automotive equipment purchases	4,000.00

Total	224,770.00
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The above appropriations are payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(37) BOARD OF NURSING HOME ADMINISTRATION:

For expenses incident to the operation and maintenance of the Board of Nursing Home Administration, estimated	23,600.00
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The above appropriation shall be paid from receipts paid into the Board of Nursing Home Administration Fund.

(38) PEACE OFFICERS ANNUITY AND BENEFIT FUND, ALABAMA:

For salaries	81,321.00
For other expenses	39,200.00
For equipment purchases	3,000.00

Total	123,521.00
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The above appropriations shall be paid from the Peace Officers Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

(39) PENSIONS:

(a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(40) DEPARTMENT OF PENSIONS AND SECURITY:

For the salary of the Commissioner estimated	22,694.00
For transfer to the State Personnel Department	106,120.00
For transfer to Tele. Revolving Fund	126,496.00

For other salaries, expenses, equipment purchases and automotive equipment purchases incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated. In addition to the amounts set out in Item III A (73), all Federal, State, County and Municipal Funds made available therefor.

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(41) PERSONNEL DEPARTMENT:

For the salary of the Director, estimated	22,605.25
For other salaries	440,000.00
For other expenses	145,244.75
For equipment purchases	17,150.00

Total

625,000.00

The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

**(42) BOARD OF EXAMINERS OF
PSYCHOLOGY:**

For salaries, other expenses, and equipment purchases, estimated	2,640.00
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The above appropriations shall be paid from the receipts paid into the Board of Examiners of Psychology Fund and shall include the appropriation made in Item III A (79) of this Act.

**(43) BUREAU OF PUBLICITY
AND INFORMATION:**

For salaries	85,070.00
For other expenses	79,600.00
For equipment purchases	4,000.00
For automotive equipment purchases	5,000.00
For advertising	650,000.00

Total

823,670.00

The above appropriations shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

(44) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

**(45) PUBLIC SERVICE
COMMISSION:**

For salary of the President and Two Associate Commis- sioners	62,085.00
For other salaries	1,100,000.00

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For other expenses	329,000.00	
For equipment purchases.....	20,000.00	
For automotive equipment purchases	30,000.00	
For transfer to telephone Rev. Fd.	16,740.00	1,557,825.00

The above appropriations to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(46) ALABAMA REAL ESTATE
COMMISSION:

For salaries	125,000.00
For other expenses	75,000.00
For equipment purchases.....	10,000.00

Total	210,000.00
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The above appropriations shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(47) DEPARTMENT OF REVENUE:

Auto Title and Auto Theft Fund:

For expenses incident to the operations of the Auto Title and Auto Theft Act, estimated	500,000.00
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The above appropriation shall be paid from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (86) (b).

(48) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (86) (a) of this Act

1,201,096.54

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department.....

124,416.37

There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Forest

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Severance Tax Collection as part of the cost of operating said Department	126,809.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department	832,632.66
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Income Tax Collections for the cost of collecting said tax	2,765,871.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department	480,917.14
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department	486,898.70
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	148,342.60
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	367,267.57
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department	3,848,533.43
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department	793,154.39
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	247,636.44
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department	379,230.68
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department	160,305.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Ve-	

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hicle License Collections for the purchase
of Motor Vehicle License Tags 1,552,500.00

(49) DEPARTMENT OF REVENUE—
ADMINISTRATIVE ACCOUNT:

For salary of Commissioner.....	22,728.94
For other salaries	7,958,254.00
For other expenses, estimated	2,497,600.00
For equipment purchases	30,000.00
For automotive equipment purchases	22,000.00
For transfer to State Personnel Department	24,780.00
For transfer to Telephone Revolving Fund	29,160.00

Total 10,584,522.94

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount, hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

(50) STATE BOARD OF REGISTRATION
FOR SANITARIANS:

For salaries	1,200.00
For other expenses	1,900.00

Total 3,100.00

The above appropriations shall be paid from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

The appropriations hereinabove made shall be paid from the funds transferred from the Alcoholic Beverage Control Board to the Education Department.

(52) ALABAMA THERAPIST BOARD:

For expenses	6,700.00
For equipment purchases	200.00

Total 6,900.00

The above appropriations shall be paid from receipts paid into the Alabama Therapist Board Fund.

(53) STATE BOARD OF VETERI-
NARY MEDICAL EXAMINERS:

For salaries	100.00
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For other expenses	11,500.00
For equipment purchases	400.00

Total	12,000.00
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The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

**(54) UNIVERSITY OF ALABAMA—
BIRMINGHAM—MEDICAL
CENTER:**

For constructing, operating and maintaining a school or college of Optometry, estimated	15,000.00
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The above appropriations shall be paid from the funds in the State Treasury to the credit of the Optometry Trust Fund.

**(55) (1) BOARD OF TRUSTEES OF
UNIVERSITY OF ALABAMA:**

(a) For the University of Alabama in Birmingham, for salaries, stipends and scholarships in Psychiatry; for the training of professional Mental Health personnel and psychiatric nurses, and state indigent mental patients	2,200,000.00
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(b) Center for Learning disorders for Mental Retardation	100,000.00
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**(2) TO STATE MENTAL HEALTH
DEPARTMENT:**

(a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	32,122,872.46
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Conditional upon the condition of the fund and upon the approval of the Governor	2,900,000.00
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(b) For operation and maintenance of Community Mental Health Programs	6,650,000.00
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(3) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI	200,910.20
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(For appropriations hereinabove made in Items 1, 2, 3 shall be paid from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)

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(4) STATE DEPARTMENT OF
MENTAL HEALTH:

For transfer to the State Personnel Department	151,410.00
For transfer to Telephone Revolving Fund	186,440.00
For support, maintenance and capital expenditures the several sums appropriated in Item 4 of sub-section (55) and the amounts provided in Act No. 654, 1965 Regular Session and Act No. 275, 1967 Regular Session and the Education Appropriation Bill are hereby appropriated. Expenditures to be made at the direction of the Alabama Mental Health Board.	

(56) HIGHWAY DEPARTMENT:

- (1) There is hereby appropriated, for payment of the principal of and interest on all bonds heretofore or hereafter issued for public highway and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.
- (2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:
 - (a) For transfer to the State Personnel Department 139,580.00
 - (b) For the administration of the State Highway Department for salaries and other expenses 5,600,000.00
 - (c) For operation of the State Highway Department, for salaries and other expenses 505,000.00
 - (d) For supervision of the State Highway Department, for salaries and other expenses 9,563,000.00
 - (e) For equipment purchases, Road Machinery and Equipment 7,000,000.00
 - (f) For Equipment Purchases—Other Equipment 500,000.00
 - (g) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses 31,334,991.50
 - (j) For the purchase or construction of land and building for the operation of the Highway Department 1,500,000.00

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- For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses, conditional upon the release of any of the conditional appropriations contained in Section 2 III, A (113) of this Act... 3,000,000.00
- (h) To establish a Revolving Fund for Inventories, Manufacturing, and clearing accounts 4,500,000.00
- (i) For transfer to the Telephone Revolving Fund 112,808.00
- (3) There are also appropriated, out of the proceeds from the sale of bonds that may hereafter be issued for public highway and bridge purposes, or either, by the State of Alabama or by Alabama Highway Authority of the revenues accruing to the State Highway Department, the following sums for the following purposes:
- (a) For matching Federal Funds 39,000,000.00
- (b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available 3,000,000.00
- (c) For construction of roads and bridges for which no matching funds are available 7,607,845.50
- The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among sub-sections (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.
- (4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:
- (a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:
- (1) the appropriations made in Section 1 hereof shall be paid in full:
- (2) the appropriations made in Section 2 hereof shall be paid in full:
- (3) the appropriations from the revenues accruing to the Highway Department that are herein

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- made for the purposes referred to in Section 3 hereof shall be allocated among the purposes referred to in the said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct; and
- (5) The funds appropriated in Section 3 hereof, for the matching of Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.
- (6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases, and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.
- (7) In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal funds accruing thereto to be expended only for the purposes for which such funds are made available.
- (8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.
- (57) **ALABAMA SPECIAL EDUCATIONAL TRUST FUND:**
- There are also appropriated, out of the revenues accruing to the Alabama Special Educational Trust Fund the following sums for the following purposes:

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(1) UNIVERSITY OF ALABAMA—
UNIVERSITY HOSPITAL &
CLINICS:

For operation and maintenance 2,000,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Hospital and Clinics for patient care services.)

(2) UNIVERSITY OF SOUTH ALA-
BAMA—UNIVERSITY MEDICAL
CENTER:

For operation and maintenance 500,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Medical Center for patient care services.)

(3) STATE BOARD OF EDUCATION:

For transfer to State Department
of Mental Health 19,000,000.00

(4) For transfer to the State General
Fund

9,600,000.00

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office, department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office, department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as

"estimated", and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officers of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1975, through September 30, 1976, as grants or entitlements under the State and local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

A. Parks:	
For operation and maintenance of the Parks System	2,250,000.00
B. Mental Health	8,000,000.00
C. Transportation	15,000,000.00
D. Board of Corrections:	
For operations	5,000,000.00
E. Economic and Community Development	1,500,000.00
F. General Government	2,205,972.00

The appropriations made in this sub-section shall not revert or lapse but shall remain available for the purposes for which the appropriations were made.

In the event that the amount of funds actually received is greater than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct the excess over the anticipated entitlement in such order and with such priorities as he deems proper.

In the event that the amount of funds actually received is less than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct such reductions in amounts herein appropriated as he deems proper.

Any unappropriated balances from the previous fiscal years or interest heretofore or hereafter earned from investments of funds received as grants or entitlement under the State and Local Fiscal Assistance Act of 1972, are hereby appropriated for such purpose or purposes as the Governor deems necessary.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1975 for such items, unless approved or re-approved on or after October 1, 1975, by the Division of Data System Management and the Director of Finance.

Section 9. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That this Act shall become effective October 1, 1975.

SUBSTITUTE MOTION TABLED

On motion of Mr. Merrill, the substitute motion offered by Mr. Johnson that the House concur in the Senate amendment to the bill, H. 490, was tabled.

Yeas 63; Nays 21.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Goodwin, Harris, Harrison, Higginbotham, Hines, Holmes, Hopping, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Venable, Waggoner, Warren, White, Williams and Wyatt.

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Nays:

Messrs.: Albright, Barron, Boles, Cross, Edwards, Ford, Greer, Hall, Howard, Johnson, Martin, Plaster, Quarles, Riddick, Smith (C), Starkey, Taylor, Trammell, Tucker, Turnham and Whatley.

—21

The question was then on the motion offered by Mr. Merrill that the House non-concur in the Senate amendment to the bill, H. 490 and request a Committee on Conference, and the motion was adopted.

Yeas 71; Nays 18.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Gafford, Harris, Harrison, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues,

Plaster, Quarles, Roberts, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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Nays:

Messrs.: Albright, Barron, Cross, Ford, Glass, Greer, Hall, Hill, Jackson (F), Johnson, Martin, Rich, Riddick, Smith (C), Starkey, Taylor, Trammell and Turnham.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that had the machine of Mr. Smith (B) been working, he would have voted "Yea" on the motion offered by Mr. Merrill that the House non-concur in the Senate amendment to the bill, H. 490.

MOTION TO INSTRUCT COMMITTEE ON CONFERENCE

Mr. Johnson offered the motion that the Committee on Conference be appointed with instruction.

MOTION TO TABLE LOST

The motion offered by Mr. Johnson to table the substitute motion offered by Mr. Callahan that the House accept a workable compromise was lost.

Yeas 36; Nays 58.

Yeas:

Messrs.: Albright, Andrews, Barron, Boles, Brindley, Cross, Edwards, Ford, Goodwin, Greer, Hall, Harrison, Hill, Holmes, Hopping, Johnson, Johnstone, Jolly, Kennedy, Lee, Leonard, McNair, Martin, Plaster, Porter, Quarles, Riddick, Robertson, Smith (C), Starkey, Taylor, Trammell, Tucker, Venable, Whatley and Wyatt.

—36

Nays:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Crowe, Dial, Drake, Folmar, Gafford, Glass, Harris, Higginbotham, Hines, Howard, Jackson (F), Jackson (R), Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Teague, Turnham, Waggoner, Warren, Weeks and White.

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SUBSTITUTE MOTION ADOPTED

The question was then on the substitute motion offered by Mr. Callahan that the House accept a workable compromise from the Committee on Conference appointed to reconcile the differences between the two Houses on the Senate amendment to the bill, H. 490, and the motion was adopted.

Yeas 71; Nays 13.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Crowe, Dial,

Drake, Folmar, Ford, Gafford, Glass, Harris, Higginbotham, Hines, Jackson (F), Jackson (R), Jolly, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley and White.

—71

Nays:

Messrs.: Brindley, Greer, Hall, Hill, Hopping, Johnson, Johnstone, McNair, Plaster, Quarles, Riddick, Smith (C) and Wyatt.

—13

Mr. Robertson offered the motion that the Committee on Conference on the bill, H. 490, meet with the House for suggestions, and the motion was adopted.

BILLS ON THIRD READING

And the bill:

H. 1377. Relating to all counties having populations of not less than 22,000 nor more than 22,500 according to the most recent federal decennial census; providing an additional allowance of \$.25 per capita daily to the sheriff for feeding prisoners; and repealing conflicting laws.

Having been postponed on the thirty-first legislative day was taken up.

H. 1377 INDEFINITELY POSTPONED

On motion of Mr. Cates, the bill, H. 1377, was indefinitely postponed.

And the bill:

H. 1430. To provide for creating in every county of the state having a population of 600,000 or more, according to the last or any subsequent federal census, service districts wherein one or more services, facilities and functions described in this Act may be financed, provided or maintained in addition to, or to a greater extent than, such services, facilities and functions are provided or maintained for the entire county; to provide that such services, facilities and functions which may be provided or maintained in such service districts, as aforesaid, shall include the following services, facilities and functions: (1) fire control, prevention and protection; (2) water supply and water distribution systems; (3) sewage collection and disposal systems; (4) solid waste collection and disposal systems; (5) storm sewers; (6) incinerators; (7) recreation facilities; (8) street lighting; (9) police protection; and (10) such other services, facilities and functions as the electors of a service district approve at an election; to provide what territory of the county may be included in such service districts; to provide the procedure for creating such service districts; to provide for the levying of service charges to finance providing and maintaining such services; to provide that the governing body of the county, after a public hearing on the creation of a proposed district may adopt a resolution requesting the probate judge of the county to call an election in the proposed service district on the question of whether such proposed district shall be created; to provide that any such resolution requesting that such election be called shall state the proposed service charge which the governing body of the county shall be authorized to levy if the pro-

posed service district is created; to provide that upon any service district being created at an election then the county governing body shall be authorized to levy the service charge provided for in the election resolution; to provide that such service charges shall be the obligation of the persons to whom such services are furnished or are made available; to provide that the governing body of the county may reduce such service charges; to provide that no service charge shall be increased and that no additional service charge shall be levied unless such increase or such additional service charge has been first approved at an election held in the district; to provide that a service charge may be increased and that an additional service charge may be levied if such increase or such additional service charge has been approved at an election in the district; to provide for the expansion of districts; to authorize the county and any municipality, fire district, garbage district, fire and garbage district, or any other public corporation in the county, to enter into agreements providing for cooperation between the county and such other public corporations in furnishing services provided for by this Act; to provide that this Act shall be cumulative and not restrictive of the powers the laws otherwise confer upon the governing body of any such county.

Having been postponed on the thirty-second legislative day, was taken up.

H. 1430 POSTPONED

On motion of Mr. White, the bill, H. 1430, was postponed to the thirty-fourth legislative day.

And the bill:

H. 1697. Relating to counties having populations of not less than 57,000, nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for and prescribing the manner of abating and of reinstating the enforcement in such counties of rules and regulations of the state board of health by the county commission or other governing body of such counties.

Having been postponed on the thirty-second legislative day, was taken up.

H. 1697 POSTPONED

On motion of Mr. Kinsey, the bill, H. 1697, was postponed to the thirty-fourth legislative day.

And the bill:

H. 1810. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Special Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Having been postponed on the thirty-second legislative day, was taken up.

H. 1810 POSTPONED

On motion of Mr. Armstrong, the bill, H. 1810, was postponed to the thirty-fourth legislative day.

And the bill:

H. 1847. To apply in counties having population of not less than 36,500 nor more than 39,200 according to the most recent federal decen-

nial census, designating the number of employees authorized by the sheriff's department, compensation of such employees, and to repeal conflicting laws.

Having been postponed on the thirty-second legislative day, was taken up.

H. 1847 POSTPONED

On motion of Mr. Waggoner, the bill, H. 1847, was postponed to the thirty-fourth legislative day.

And the bill:

H. 1896. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all such counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

Having been postponed on the thirty-second legislative day, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Turnham, Venable, Waggoner, Warren, Whatley and Wyatt.

—69

And the bill:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe,

Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeese, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Porter, Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—75

And the bill:

S. 147. To limit the use of public road and bridge funds of DeKalb County.

Was read a third time at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (F), Johnstone, Jolly, Kelley, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Reed, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

S. 157. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—75

And the bill:

S. 158. Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

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Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith, (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

S. 260. To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or rearrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

S. 387. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Was read a third time at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Porter, Riddick,

Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

And the bill:

S. 389. Relating to Randolph County: providing further for the compensation of election officials.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Quarles, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

And the bill:

S. 532. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred due to a broken tooth received while working for the county.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Hopping, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lutz, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Quarles, Reed, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—61

And the bill:

S. 603. To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Was read a third time at length and passed.

Yeas 72; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Merrill, Mitchem, Moore (O), Moore (W), Porter, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—72

And the bill:

S. 604. Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Merrill, Mitchem, Moore (O), Moore (W), Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—62

And the bill:

S. 630. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—62

And the bill:

S. 631. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—62

And the bill:

S. 664. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Merrill, Mitchem, Moore (W), Morris, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Weeks, Whatley and Wyatt.

—61

And the bill:

S. 665. To provide for the compensation of jurors in Randolph County.

Was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Hill, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Morris, Owens, Quarles, Reed, Riddick,

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Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

—56

And the bill:

S. 741. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—65

And the bill:

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Quarles, Reed, Riddick, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—67

And the bill:

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Morris, Quarles, Reed, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

—63

And the bill:

S. 877. To amend Act No. 218, H, 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Harris, Hill, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Porter, Quarles, Riddick, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks and Wyatt.

—59

And the bill:

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Harris, Hill, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Morris, Reed, Rich, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

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And the bill:

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

Was read a third time at length and passed.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Drake, Falkenburg, Folmar, Ford, Goodwin, Greer, Harris, Hill, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Porter, Quarles, Reed, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—61

And the bill:

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

Was read a third time at length and passed.

Yeas 53; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Ford, Goodwin, Greer, Harris, Hill, Hopping, Johnstone, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (W), Owens, Reed, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Weeks, Williams and Wyatt.

—53

And the bill:

S. 898. Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

Was read a third time at length and passed.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill,

Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—67

And the bill:

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1981, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Cross, Dial, Drake, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Plaster, Porter, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—62

And the bill:

S. 928. Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Was read a third time at length and passed.

Yeas 51; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Folmar, Ford,

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Goodwin, Greer, Harris, Hill, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lutz, McCulley, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Warren, Williams and Wyatt:

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

Was taken up.

Mr. Smith (C) offered the following amendment to the bill:

AMENDMENT TO S. B. 929

Amend S. B. 929 by deleting the figure "11,400.00" on line 35, page 1, and inserting in lieu thereof:

10,800.00

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Dial, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCulley, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

—63

And the bill, S. 929 as thus amended, was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Porter, Reed, Rich, Riddick, Roberts,

Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—62

And the bill:

S. 931. To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

Was read a third time at length and passed.

Yeas 55; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Coburn, Cooper, Dial, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McCluskey, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—55

And the bill:

S. 932. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Chilton County; and to fix and regulate the costs and charges of courts.

Was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Folmar, Gafford, Goodwin, Greer, Harris, Hill, Jackson (F), Jackson (R), Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Plaster, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—60

And the bill:

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (W), Plaster, Reed, Rich, Riddick, Roberts, Sasser,

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Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—62

And the bill:

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—65

And the bill:

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Was read a third time at length and passed.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Drake, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—64

And the bill:

S. 937. To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Martin, Merrill, Mitchem, Moore (W), Naramore, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—65

And the bill:

S. 943. To provide an expense allowance for the Court reporter of the Court of Law and Equity in Chilton County.

Was read a third time at length and passed.

Yeas 57; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Falkenburg, Folmar, Goodwin, Greer, Hall, Harris, Hill, Hines, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Merrill, Mitchem, Moore (W), Naramore, Plaster, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

—57

BILLS INDEFINITELY POSTPONED

On motion of Mr. Folmar, the bills, S. 945 and S. 959, were indefinitely postponed.

And the bill:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Was read a third time at length and passed.

Yeas 62; Nays 1.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton,

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Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—62

Nay: Mr. Naramore.

—1

And the bill:

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, Manley, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Venable, Warren, Weeks, Williams and Wyatt.

—59

And the bill:

S. 1115. To authorize establishment of branch banks in Monroe County.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Folmar, Glass, Goodwin, Greer, Hall, Harris, Holmes, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Quarles, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Trammell, Venable, Warren, Weeks, Williams and Wyatt.

—54

And the bill:

H. 1658. To alter or rearrange the boundary lines of the Town of Clio, Barbour County, Alabama, so as to include the corporate limits of said Town all territory now within such corporate limits and also certain territory contiguous thereto, in Barbour County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—65

H. 1908 INDEFINITELY POSTPONED

On motion of Mr. Killian, the bill, H. 1908, was indefinitely postponed.

And the bill:

H. 1921. An Act relating to the municipality of Fort Payne in DeKalb County; to alter, rearrange and extend the boundaries of the City of Fort Payne.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill:

H. 1924. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, Malone, Manley, Martin, Merrill, Moore (O),

Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1926. Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1936. To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—67

And the bill:

H. 1937. To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other

Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

H. 1938. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Plaster, Quarles, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1457. Exempting the Cherokee County and the Etowah County Rescue Squads from all state, county, and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, Malone, Martin, Merrill, Moore (O),

Moore (W), Morris, Plaster, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—67

And the bill:

H. 1940. Relating to the election of members of the Pickens County Board of Education and repealing conflicting laws.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

And the bill:

H. 1945. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Was taken up.

H. 1945 POSTPONED

On motion of Mr. Killian, the bill, H. 1945, was postponed to the thirty-fourth legislative day.

And the bill:

H. 1949. To provide an additional expense allowance for the chairman and members of the county commission of all counties having a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—62

And the bill:

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for a salary increase for the chief deputy sheriff and the deputy sheriff of any such county; to provide an additional expense allowance for the sheriff; and providing two additional jailors for such county and their compensation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—66

And the bill:

H. 1951. Relating to the office of the sheriff in all counties having populations of not less than 11,500 nor more than 12,500 inhabitants, according to the most recent federal decennial census; to provide for an additional jailer and fix his salary.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Plaster, Quarles, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—68

And the bill:

S. 476. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Was read a third time at length and passed.

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Yeas 54; Nays 5.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Falkenburg, Folmar, Glass, Goodwin, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (W), Morris, Owens, Plaster, Quarles, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—54

Nays: Messrs.: Callahan, Cooper, LeFlore, Sandusky and Sonnier. —5

S. 741 RECONSIDERED

Having voted on the prevailing side, Mr. Robertson offered the motion to reconsider the vote by which the bill, S. 741 was passed, and the motion was adopted.

Mr. Lee offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Tuscaloosa County, the office of ex-officio judge of the Tuscaloosa County Court is hereby created.

Section 2. A supervisory board is hereby created. Said supervisory board shall be composed of all of the circuit judges of Tuscaloosa County, the judges of the Tuscaloosa County Court, the probate judge of said county, the public defender of said county and the district attorney of said county. The chairman of this supervisory board shall be the presiding circuit judge of said county. In addition to the duties and authorities of the supervisory board as elsewhere set out in this act, it shall be the authority and duty of the supervisory board to advise the ex-officio judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of ex-officio judge shall be subject to the general supervision of the supervisory board, and such officer shall hold office subject to the provisions of the civil service or merit system of the county.

Section 4. The ex-officio judge shall be an officer of the county, appointed by the supervisory board as other officers of the county subject to the civil service or merit system of the county are chosen or appointed, except, however, that any such ex-officio judge holding such office at the time of the passage of this act shall be the first such ex-officio judge under this act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said ex-officio judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as ex-officio judge. Said ex-officio judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationery, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the county commission, or like governing body of the county to the ex-officio judge.

Section 7. The supervisory board shall have the authority to recommend the salary or any increase or decrease thereof, but the county commission shall have the authority to set the salary or salaries in the customary manner, provided, however, it shall not be less than \$10,000 nor more than \$15,000 per annum, which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The supervisory board is hereby empowered to recommend the employment of an assistant to the ex-officio judge, or as many such assistants to the ex-officio judge as the supervisory board may deem to be necessary and desirable, and such assistant or assistants to the ex-officio judge shall have the same power and authority as herein granted to the ex-officio judge in the absence of the ex-officio judge or when acting under the direction and supervision of the ex-officio judge. Such assistant or assistants may be full time or part time officials as said county commission shall decide or deem advisable.

Section 9. Full time assistants for such ex-officio judge shall be covered by the civil service or merit system of the county, but no part time assistant or assistants who shall be compensated by an hourly rate of pay, shall be employed subject to any civil service or merit system of the county, but shall be employed or discharged by the ex-officio judge with concurrence of the supervisory board.

Section 10. The assistant or assistants to the ex-officio judge shall receive such compensation as the county commission shall deem to be reasonable and proper, and in this determination the county commission shall be guided by, but not bound by, the recommendation of the ex-officio judge and the supervisory board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective on the first day of the first month beginning after its passage and approval by the Governor, or its otherwise becoming a law.

And the substitute was adopted.

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Yeas 59; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Folmar, Gafford, Goodwin, Greer, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

And the bill, S. 741 as thus amended, was again read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Ford, Gafford, Goodwin, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1822. To amend further Sections 3, 11, 12, 13 and 18 of Act No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard; to provide for the retroactive effect of the amendatory provisions of this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 60; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Merrill, Mitchem, Naramore, Owens, Plaster, Quarles, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—60

And the bill:

H. 1947. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Was taken up.

H. 1947 POSTPONED

On motion of Mr. McCulley, the bill, H. 1947, was postponed to the thirty-fourth legislative day.

And the bill:

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—66

And the bill:

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed.

Yeas 59; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Reed, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—59

And the bill:

H. 1927. Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris,

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Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Reed, Riddick, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—64

And the bill:

H. 1928. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 61; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Merrill, Mitchem, Moore (W), Naramore, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—61

And the bill:

H. 1933. Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, Merrill, Mitchem, Moore (W), Morris, Naramore, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—65

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order the bills, H. 1370, H. 1371, H. 1372, H. 1195, H. 1373 and H. 1374.

And the bill:

H. 1195. To exempt gas districts now or hereafter organized under the provisions of Act No. 762 adopted at the 1951 Regular Session of the Alabama Legislature, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 34; Nays 7.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Cates, Crawford, Cross, Edwards, Falkenburg, Gafford, Glass, Greer, Hill, Jolly, Kelley, Leonard, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Morris, Pegues, Quarles, Reed, Shelton, Smith (M), Sonnier, Venable, Waggoner, Weeks, White and Williams.

—34

Nays:

Messrs.: Barron, Holmes, Howard, Kennedy, McNair, Robertson and Wyatt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1370. To exempt warrants issued by a county under the provisions of Act No. 1092 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying the cost of reappraisal of property as required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature of Alabama from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 45; Nays 3.

Yeas:

Messrs.: Armstrong, Barron, Biddle, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Glass, Greer, Harrison, Hill, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lutz, McCluskey, McCulley, McMillan, McNeese, Manley, Merrill, Mitchem, Morris, Pegues, Quarles, Reed, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley and Williams.

—45

Nays: Messrs.: Howard, McNair and Wyatt.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1371. To exempt warrants issued by a county under the provisions of Act No. 220 adopted at the 1967 Regular Session of the Legislature of Alabama in anticipation of and payable solely out of that portion of the highway gasoline tax required by law to be distributed to counties which are subject to the provisions of such Act from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 42; Nays 2.

Yeas:

Messrs.: Armstrong, Biddle, Cates, Cross, Edwards, Falkenburg, Folmar, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Merrill, Mitchem, Morris, Quarles, Reed, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley and Williams.

—42

Nays: Messrs.: Tucker and Wyatt.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1372. To exempt warrants issued by a county under the provisions of Act No. 1128 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying costs of acquiring and providing water works systems from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 45; Nays 7.

Yeas:

Messrs.: Armstrong, Biddle, Brindley, Campbell, Cates, Crawford, Cross, Falkenburg, Folmar, Glass, Greer, Hall, Harrison, Higginbotham, Hill, Jackson (R), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Leonard, Lutz, McCluskey, McMillan, McNees, Merrill, Mitchem, Morris, Plaster,

Quarles, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White and Williams.

—45

Nays:

Messrs.: Holmes, Howard, Kennedy, McNair, Robertson, Tucker and Wyatt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1373. To exempt warrants issued by a county under the provisions of Act No. 1092 adopted at the 1973 Regular Session of the Legislature of Alabama for the purpose of paying the cost of reappraisal of property as required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature of Alabama from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 44; Nays 7.

Yeas:

Messrs.: Armstrong, Biddle, Brindley, Carothers, Carter, Cates, Crawford, Cross, Edwards, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lutz, McCluskey, McMillan, McNeess, Manley, Merrill, Mitchem, Plaster, Quarles, Reed, Rich, Riddick, Shelton, Smith (B), Smith (M), Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, White and Williams.

—44

Nays:

Messrs.: Holmes, Howard, Kennedy, McCulley, Tucker, Warren and Wyatt.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1374. To exempt securities issued by any county payable from or secured by a pledge of any part of the tax proceeds of the special tax authorized to be levied under the second proviso of Section 214 of the Constitution of Alabama of 1901, as amended by Amendment CCVIII, and Title 12, Sections 185, 186 and 191 of the Code of Alabama of 1940, as amended, from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 6 of Title 9 of the Code of Alabama of 1940.

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Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 44; Nays 3.

Yeas:

Messrs.: Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Cross, Folmar, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McMillan, Manley, Merrill, Mitchem, Morris, Plaster, Quarles, Reed, Rich, Shelton, Smith (B), Smith (M), Taylor, Teague, Trammell, Weeks, Whatley, White and Williams.

—44

Nays: Messrs.: Holmes, McCulley and Wyatt.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RECESS

Mr. Owens offered the motion that the House recess until 2:00 o'clock p. m.

The substitute motion offered by Mr. Greer that the House recess until 1:30 o'clock p. m., was adopted.

Yeas 31; Nays 26.

Yeas:

Messrs.: Barron, Boles, Brindley, Cooper, Dial, Folmar, Ford, Hall, Holmes, Hopping, Johnson, Jolly, Lee, Lewis, Lockett, McMillan, Malone, Martin, Moore (W), Morris, Naramore, Owens, Quarles, Robertson, Smith (B), Smith (J), Sparks, Teague, Tucker, Warren and Weeks.

—31

Nays:

Messrs.: Armstrong, Biddle, Cates, Clark, Crawford, Edwards, Higginbotham, Holley, Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, McCluskey, Manley, Merrill, Roberts, Shelton, Smith (C), Smith (M), Starkey, Venable, Whatley, Williams and Wyatt.

—26

And on the motion as substituted, the House recessed until 1:30 o'clock p. m.

HOUSE RECONVENED

The hour of 1:30 o'clock p. m. having arrived, the House reconvened. The Speaker called the House to order.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Malone Voting "Yea" on the bill, H. 1822.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Pegues, the rules were suspended in order to bring up out of order the bill, H. 1859.

And the bill:

H. 1859. To provide further in regard to activities prohibited on Sunday; to repeal Sections 420, 421, and 422, Title 14, Code of Alabama, as last amended; and to enact new provisions, and to prescribe punishment for violations of the provisions of this act.

As amended on the thirty-second legislative day, was taken up.

Mr. Kinsey offered the following amendment No. 1 to the bill, H. 1859 as amended:

On page 4, after Section 8, line 11, insert the following new section and renumber subsequent sections:

Section 9. Anything herein to the contrary notwithstanding, the provisions of this act shall not be effective in any county holding a referendum and approved by a majority of the qualified electors in such county at the referendum election held for the purpose of removing the county from the provisions of this Act. The elections shall be held in the same manner as elections on constitutional amendments, and shall be held at the election by the county governing body as provided by law.

AMENDMENT TABLED

On motion of Mr. Pegues, the amendment No. 1 offered by Mr. Kinsey to the bill, H. 1859 as amended, was tabled.

Yeas 31; Nays 30.

Yeas:

Mr. Speaker, Armstrong, Baker, Brindley, Campbell, Coburn, Edwards, Hall, Harris, Higginbotham, Holmes, Jolly, Kelley, Killian, Leonard, Lewis, Lockett, Lutz, Manley, Mitchem, Moore (W), Owens, Pegues, Quarles, Rich, Smith (B), Taylor, Teague, Turnham, Warren and Weeks.

—31

Nays:

Messrs.: Barron, Biddle, Boles, Callahan, Cates, Cooper, Falkenburg, Folmar, Ford, Hines, Holley, Johnson, Johnstone, Kennedy, Kinsey, LeFlore, McCulley, McMillan, McNair, McNees, Malone, Martin, Moore (O), Sandusky, Sonnier, Trammell, Tucker, Venable, White and Wyatt.

—30

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 707. To amend Section 3.04 and 4.03 of Act No. 618, Acts of Alabama 1973, page 879, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000, so as to require council members to reside in the district which they represent, and to require the mayor to be a full time official who shall not draw any other compensation from any source other than disability compensation or a retirement pension.

McDOWELL LEE,
Secretary.

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H. 1859 RESUMED

Mr. Kinsey offered the following amendment No. 2 to the bill, H. 1859 as amended:

On page 4, after Section 8, line 11, insert the following new section and renumber subsequent sections:

Section 9. At the election of the county governing body, Baldwin County shall be removed from the provisions of this Act upon holding a referendum for that purpose and approved by a majority of the qualified electors in Baldwin County at such referendum. The election shall be held in the same manner as elections on constitutional amendments, as provided by law.

MOTION TO TABLE LOST

The motion offered by Mr. Pegues to table the amendment No. 2 offered by Mr. Kinsey to the bill, H. 1859 as amended, was lost.

Yeas 24; Nays 35.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Campbell, Crawford, Edwards, Hall, Leonard, Lewis, Lutz, McCluskey, Manley, Moore (O), Moore (W), Owens, Pegues, Quarles, Smith (B), Taylor, Venable, Warren and Weeks.

—24

Nays:

Messrs.: Andrews, Boles, Callahan, Carter, Cates, Coburn, Cooper, Falkenburg, Folmar, Ford, Gafford, Goodwin, Higginbotham, Hines, Johnson, Johnstone, Jolly, Kennedy, Kinsey, LeFlore, McCulley, McMillan, McNair, McNees, Malone, Martin, Naramore, Rich, Roberts, Sasser, Sonnier, Trammell, Tucker, Waggoner and Wyatt.

—35

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 927. Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

Also:

H. 928. Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1587. Proposing an amendment to the Constitution of Alabama relating to compensation of certain officers of Coosa County.

Also:

H. 1599. Relating to the employment of law enforcement officers in counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing particularly for the employment of law enforcement officers, deputies, jailers and civilians in the sheriffs' offices or by municipalities in such counties.

Also:

H. 1631. To create the District Court of Fayette County and to provide for its jurisdiction and functions, and to abolish the Juvenile Court of Fayette County and the County Court of Fayette County created by Act Number 27, Acts, 1963.

Also:

H. 1632. To provide an additional expense allowance for the probate judge of every county having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1638. To provide for additional expense allowances for the tax assessor and tax collector in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1640. To provide for an expense allowance for the Sheriff in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of certain deputy sheriffs in such counties and to repeal all conflicting statutes.

Also:

H. 1641. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

H. 1654. To provide for the payment of a county supplement to the salary paid by the state for the assistant district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1655. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of the judges of the county courts and the clerk of the county courts that are located at a place other than the county seat in such counties and to provide for an expense allowance for said judges in such counties.

Also:

H. 1656. Relating to Washington County; to provide an additional expense allowance for members of the county school board.

Also:

H. 1657. To amend Act No. 274, S. 111, Second Special Session 1971 (Acts 1971, p. 4542), entitled, "An Act Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties," so as to provide further for the expense allowances of such deputy district attorneys.

Also:

H. 1692. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; authorizing the governing body to appropriate county funds to all organized fire departments of the county.

McDOWELL LEE,
Secretary.

H. 1859 RESUMED

The question was then on the adoption of the amendment No. 2 offered by Mr. Kinsey to the bill, H. 1859 as amended, and the amendment was adopted.

Yeas 51; Nays 13.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Callahan, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Goodwin, Higginbotham, Hines, Howard, Johnson, Jolly, Kennedy, Kinsey, LeFlore, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Sasser, Smith (B), Smith (M), Taylor, Trammell, Tucker, Waggoner, Warren, Whatley and Williams.

—51

Nays:

Messrs.: Albright, Barron, Campbell, Edwards, Hall, Leonard, Lewis, Lockett, Lutz, McCluskey, Moore (W), Teague and Venable.

—13

Mr. LeFlore offered the following amendment to the bill, H. 1859 as amended:

Amend House Bill 1859 by adding a new section as follows:

Section _____. The provisions of this Act shall be effective in Mobile County only upon the favorable passage of an enabling resolution by the governing body of each municipality in the said county.

MOTION TO TABLE LOST

The motion offered by Mr. Pegues to table the amendment offered by Mr. LeFlore to the bill, H. 1859 as amended, was lost.

Yeas 24; Nays 36.

Yeas:

Messrs.: Andrews, Armstrong, Barron, Campbell, Carothers, Cates, Clark, Crawford, Edwards, Hall, Leonard, Lewis, Lockett, Lutz, McCluskey, Merrill, Moore (W), Pegues, Smith (B), Taylor, Trammell, Warren, Whatley and White.

—24

Nays:

Messrs.: Albright, Baker, Callahan, Coburn, Cooper, Falkenburg, Folmar, Glass, Goodwin, Harris, Higginbotham, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Jolly, Kennedy, Kinsey, LeFlore, McCulley, McMillan, McNair, McNees, Malone, Martin, Porter, Quarles, Roberts, Sasser, Smith (M), Sonnier, Tucker, Waggoner and Wyatt.

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H. 1859 INDEFINITELY POSTPONED

On motion of Mr. Pegues, the bill, H. 1859 as amended, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Callahan, the rules were suspended in order to bring up out of order the bill, H. 741.

The bill, H. 741, was called and on motion of Mr. Callahan, the bill, S. 1106, was substituted for the bill, H. 741.

And the bill:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Was read a third time at length and passed.

Yeas 68; Nays 2.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sonnier, Taylor, Trammell, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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Nays: Messrs.: Rich and Smith (M).

—2

And the bill:

H. 741. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Was taken up.

H. 741 INDEFINITELY POSTPONED

On motion of Mr. Callahan, the bill, H. 741, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Turnham, the rules were suspended in order to bring up out of order the bill, H. 291.

And the bill:

H. 291. (With Amendment): Relating to taxation; amending Section 613, Title 51, Code of Alabama (1940), as last amended, which relates to the licensing of vending machines.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Section 613. (a) of House Bill 291 is amended to read as follows:

Section 613. (a) Every person, firm, corporation, association, or co-partnership operating a vending machine business whereby tangible personal property is sold through or by the use of coin operated machines shall pay an annual privilege license tax based on the total sales of each such vending company during the preceding year as follows:

On total sales of	Amount of License is:
\$12,000.00 or less	\$ 10.00
\$12,000.01 - 24,000.00	\$ 20.00
\$24,000.01 - 36,000.00	\$ 30.00
\$36,000.01 - 48,000.00	\$ 40.00
\$48,000.01 - 60,000.00	\$ 60.00
\$60,000.01 - 80,000.00	\$ 75.00
\$80,000.01 - 100,000.00	\$ 90.00
\$100,000.01 - 150,000.00	\$ 125.00
\$150,000.01 - 200,000.00	\$ 150.00
\$200,000.01 - 250,000.00	\$ 175.00
\$250,000.01 - 350,000.00	\$ 200.00
\$350,000.01 - 450,000.00	\$ 300.00
\$450,000.01 - 750,000.00	\$ 400.00
\$750,000.01 - 1,000,000.00	\$ 500.00
\$1,000,000.01 - 2,500,000.00	\$ 600.00
\$2,500,000.01 - 5,000,000.00	\$ 700.00
\$5,000,000.01 - 7,500,000.00	\$ 800.00
\$7,500,000.01 - 10,000,000.00	\$ 900.00
\$10,000,000.01 or more	\$1000.00

And the amendment was adopted.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Greer, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W),

Naramore, Owens, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—56

And the bill, H. 291 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Greer, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Teague, Trammell, Turnham, Venable, Warren, Weeks and Wyatt.

—68

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Robertson, the rules were suspended in order to bring up out of order the bill, H. 977.

And the bill:

H. 977. (With Amendment): For the relief of Helen Simpson making an appropriation from the general fund in the state treasury to compensate her for wages of which she was deprived by virtue of her being placed on leave without pay for an invalid reason.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill No. 977 by striking from page 1, line 16 and line 34 the following words and figures:

appropriation from the general fund in the state treasury

appropriated from the state general fund in the state
and insert in lieu thereof the following:

appropriation from the Special Mental Health Fund in the state treasury

appropriated from the Special Mental Health Fund in the state

And the amendment was adopted.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Harris, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O),

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Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Teague, Trammell, Turnham, Venable, Warren, Whatley and Wyatt.

—58

And the bill:

H. 977. For the relief of Helen Simpson making an appropriation from the Special Mental Health Fund in the state treasury to compensate her for wages of which she was deprived by virtue of her being placed on leave without pay for an invalid reason.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Hall, Harris, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley and Wyatt.

—65

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Coburn, the rules were suspended in order to bring up out of order the bill, H. 1046.

And the bill:

H. 1046. (With Amendment): To prohibit the unauthorized copying of certain recorded articles for sale and the sale of such articles with knowledge that the sounds have been transferred thereon without the consent of the owner and providing punishment therefor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 1046, Section 1 of said bill, line 28, by inserting a comma , immediately following the word "record" where said word appears thereon.

And the amendment was adopted.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Merrill, Mitchem,

Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—70

Mr. Coburn offered the following amendment to the bill, H. 1046 as amended:

Amend House Bill 1046 on page 2, in Section 5, on line 36, following the word "all" by inserting the following words:

duplicating equipment and

Further amend House Bill 1046 on page 3, in Section 5, by deleting the following sentence, which appears on lines 7, 8, 9 and 10, viz;

The attorney general or district attorney shall, by court order, give the said confiscated property to a charitable institution or other worthwhile organization.

Further amend House Bill 1046 on page 3, in Section 6, on line 21, after the word "offense" by striking therefrom the semi-colon and adding the following words and punctuation:

, or both:

And the amendment was adopted.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks and Wyatt.

—72

And the bill, H. 1046 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Porter, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Weeks, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. White, the rules were suspended in order to bring up out of order the bill, H. 1098.

And the bill:

H. 1098. (With Substitute) (With Amendments): To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971, called the Alabama Controlled Substances Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend, add to, and repeal part of Act No. 1407 passed in the Regular Session of the 1971 Legislature (Acts p. 2378) and approved September 16, 1971, called the Alabama Controlled Substance Act, concerning the regulation of the possession and use of controlled drugs in Alabama, establishing penalties for violations of the various sections of the Act, and standardizing all laws in the State to be in conformity with the Federal Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and to repeal existing State Statutes in conflict.

Be It Enacted by the Legislature of Alabama:

Section 1. That Subsection (d) of Section 101 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 101. (Definitions.) as used in this Act:

(d) "Certifying boards" means the State Board of Medical Examiners, the State Board of Health, the State Board of Pharmacy, the State Board of Dental Examiners, and the State Board of Veterinary Medical Examiners.

Section 2. That Section 301 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 301. (Rules, Charges; generally.) The certifying boards shall promulgate rules and charge reasonable fees to defray expenses incurred in registration and compliance to this Section in regard to the administering, dispensing, or distribution of controlled substances within the State. The fees collected to defray expenses shall be retained by the certifying boards.

Section 3. That Subsection (a) of Section 303 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 303. (Registration.)

(a) The certifying boards shall only register an applicant certified by their respective boards to manufacture, dispense, or distribute controlled substances enumerated in Schedules I, II, III, IV, and V. Provided further, the State Board of Pharmacy shall register all drug manufacturers and wholesalers unless they determine that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the above mentioned Boards may consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable State and local law;

(3) any convictions of the applicant under any Federal and State laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this Act;

(6) suspension or revocation of the applicant's Federal registration to manufacture, distribute, or dispense controlled substances as authorized by Federal law, and

(7) any other factors relevant to and consistent with the public health and safety.

Section 4. That a Subsection (e) be added to Section 303, Act No. 1407, Regular Session, 1971, and that it shall read as follows:

Section 303. (Registration.)

(e) Pharmacies that are operated by State institutions may be subject to registration but are specifically exempt from the registration fee.

Section 5. That Section 306 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 306. (Records of Registrants.)

(a) Persons registered to manufacture, distribute, or dispense controlled substances under this Act shall keep records and maintain inventories in conformance with the record keeping and inventory requirements of Federal law and with any additional rules the State Board of Medical Examiners, State Board of Health and the State Board of Pharmacy issues.

(b) Any registrant that purchases or otherwise obtains from outside the State of Alabama, any controlled substance or precursor agents used to manufacture any controlled substance, shall submit to the Alabama State Department of Public Health a legible copy of an invoice or other documents involved in the purchasing or obtaining of any controlled substance or precursor agent for any controlled substance within thirty (30) days of the date of the transaction.

(c) Any wholesale drug establishment doing business within the State of Alabama shall furnish monthly to the Alabama State Depart-

ment of Public Health a legible copy of all transactions to other registrants involving any controlled substance or any precursor agent for any controlled substance.

(d) Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use controlled substances shall keep a record of controlled substances received by him and record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. The records of these controlled substances received shall, in every case, show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received. The records of these controlled substances sold, administered, dispensed, or otherwise disposed of shall show the date of selling, administering, or dispensing; name and address of the person to whom administered or the owner and species of animal for which the drugs were sold, administered, or dispensed; and the kind and quantity of those drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of the record required by or under the Federal narcotics law containing substantially the same information as specified above shall constitute compliance with this section except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, the kind and quantity of such drugs; and the date of the discovery of such loss, destruction, or theft.

(e) It shall, however, be deemed sufficient compliance with this section if any such person using small quantities or solutions or other preparations of such drug for local application shall keep a record of the quality, character, and potency of such solutions or other preparations made by him and of the dates when purchased or made by him without keeping a record of the amount of the solution or preparation supplied by him to individual patients and to enter upon the patient's record each application of a controlled substance indicating the date of application, the controlled substances constituting the solution, the potency of the solution, and the amount of the solution used.

Section 6. That Subsection (a) of Section 308 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 308. (Prescriptions.).

(a) Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance in Schedule II may be dispensed without the written prescription of a practitioner—who is authorized to prescribe in Schedule II. In the case of emergency prescriptions for hospitals, nursing homes, and pharmacies only, physicians who are authorized by their State registration, may authorize the administering of Schedule II drugs to patients over the phone but each authorization must be reduced to writing by the authorizing physician. The pharmacist filling the prescription or order must reduce it to writing immediately and the physician must sign the order or prescription within eighteen (18) hours. Persons administering or dispensing the drug to a patient must record the time and date of authorization on the face of the prescription or order along with the time and date that the prescription or order is duly signed by the physician. The physician is to prescribe no more than forty-eight (48) hours' emergency medication to a patient.

Section 7. That Subsection (b) (2) of Section 308 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 308. (Prescriptions.)

(b) Each registered pharmacy shall maintain the inventories and records of controlled substances as follows:

(2) Inventories and records of controlled substances listed in schedules III, IV, and V shall be maintained either separately from all other records of the pharmacy or in such form that the information required is readily retrievable from ordinary business records of the pharmacy, and prescriptions for such substances shall be maintained either in separate prescription file for controlled substances listed in schedules III, IV, and V only or in such form that they are readily retrievable from the other prescription records of the pharmacy. Prescriptions will be deemed readily retrievable if, at the time they are initially filed, the face of the prescription is stamped in red ink in the lower right corner with the letter "C" no less than 1-inch high and are filed in the usual consecutively numbered prescription file for non-controlled substances.

Section 8. That Subsection (a) of Section 401 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 401. (Prohibited Acts A—Penalties.)

(a) Except as authorized by this Act, any person who possesses, sells, furnishes, gives away, obtains, or attempts to obtain by fraud, deceit, misrepresentation, or subterfuge, or by the forgery or alteration of a prescription or written order, or by the concealment of material fact, or by use of false name or giving a false address, controlled substances enumerated in Schedules I, II, III, IV, V is guilty of a felony and upon conviction for first offense may be imprisoned not less than 2 nor more than 15 years and, in addition, may be fined not more than \$25,000: Except any person who possesses any marihuana or compound or mixture thereof for his personal use only is guilty of a misdemeanor and upon conviction for the offense shall be imprisoned in the county jail for not more than one (1) year, and in addition, shall be fined not more than \$1,000.00, but the penalties for the subsequent offenses relating to possession of marihuana shall be the same as specified in the first sentence of this Section 401 (a). The possession of an amount of marihuana or compound or mixture thereof which does not exceed one ounce shall create a conclusive presumption that said marihuana or compound or mixture thereof is possessed for personal use only, not to include hashish hashish oid, or any concentration of tetrahydrocannabinol commonly known as THC. Possession of more than one ounce shall create a conclusive presumption that said marihuana or compound or mixture thereof is possessed for purpose of sale. Any one possessing more than one ounce of marihuana or compound or mixture thereof for purposes of sale, distribution, or exchange shall be guilty of a felony and upon conviction may be imprisoned not less than two (2) nor more than fifteen (15) years and in addition, may be fined not more than \$25,000.00.

(b) Any second or subsequent felony conviction for violation of this Section shall be punishable by imprisonment for a term up to twice the term otherwise authorized, by a fine of up to twice the amount otherwise authorized, or both.

(c) For purposes of this section, an offense is considered a second or subsequent offense, if, subsequent to any prior conviction under this chapter, the offender commits any act which results in a subsequent conviction under this chapter or under any statute of the United States or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs.

(d) Any person who attempts or conspires to commit any offense defined in this Title is punishable by imprisonment or fine or both which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

Section 9. That Subsection (a) (2) of Section 402 of Act No. 1407, Regular Session, 1971, be and the same is amended to read as follows:

Section 402. (Prohibited Acts B—Penalties.)

(a) It is unlawful for any person:

(2) who is a registrant, to manufacture a controlled substance not authorized by his registration, or to distribute or dispense a controlled substance not authorized by his registration to another registrant or any other person:

Section 10. That Subsection (a) (3) of Section 402, Act No. 1407, Regular Session, 1971, be and the same is amended to read as follows:

Section 402. (Prohibited Acts B—Penalties.)

(a) It is unlawful for any person:

(3) to refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act, provided, however that upon the first conviction of a violator under this provision said violator shall be guilty of a misdemeanor and shall be assessed a penalty of one thousand dollars (\$1,000.00) and may be imprisoned not more than six (6) months or both. Subsequent convictions subject the violator to the penalty provision set forth in Subsection (b) of this section.

Section 11. That Subsection (a) (2) of Section 403 of Act No. 1407, Regular Session, 1971, be and the same is amended to read as follows:

Section 403. (Prohibited Acts C—Penalties.)

(a) It is unlawful for any person:

(2) to use in the course of manufacture or distribution of a controlled substance a registration number which is fictitious, revoked, suspended, issued to another person, or which has been expired for more than thirty (30) days.

Section 12. That Subsection (a) (3) of Section 403 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 403. (Prohibited Acts C—Penalties.)

(a) It is unlawful for any person:

(3) to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or by any other unlawful means;

Section 13. That Subsection (a) of Section 501 of Act No. 1407, Regular Session, 1971, be and the same is hereby amended to read as follows:

Section 501. (Powers of Enforcement Personnel.)

(a) It shall be the duty of the State Board of Pharmacy and its drug inspectors to enforce all provisions of this chapter. The agents and officers of the Department of Public Safety, agents of the Alabama

Diversion Investigative Unit, the drug and narcotic agents and inspectors of the Department of Public Health and all peace officers of the state and all prosecuting attorneys are charged with the enforcement of this chapter. The agents and officers of the Department of Public Safety, agents of the Alabama Diversion Investigative Unit, and the drug and narcotic agents and inspectors of the Department of Public Health shall have the powers of peace officers in the performance of their duties to enforce the laws of the State of Alabama and to:

Section 14. That a Subsection (b) be and the same is hereby added to Section 501 of Act No. 1407, Regular Session, 1971, to read as follows:

Section 501. (Powers of Enforcement Personnel.)

(b) The drug and narcotic agents and inspectors of the Department of Public Health and agents of the Alabama Diversion Investigative Unit shall receive a subsistence allowance of five dollars (\$5.00) for each working day of a pay period while engaged in and in the performance of his duties as a law enforcement officer. This allowance shall be in addition to all other compensation, expenses, and allowances provided for such officers.

Section 15. That Subsection (a) (4) (iii) of Section 504 of Act No. 1407, Regular Session, 1971, be and the same is hereby repealed.

Section 16. That a Subsection (h) be and the same is hereby added to Section 504 of Act No. 1407, Regular Session, 1971.

Section 504. (Forfeitures.)

(h) Any registrant who is in violation of Section 306 of Act No. 1407, his Schedule II and III drugs are subject to forfeiture to the State of Alabama and the registrant has no property rights remaining.

Section 17. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. All laws or parts of laws in conflict with the enactments herein are hereby repealed.

Section 19. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 61; Nays 7.

Yeas:

Mr. Speaker, Andrews, Armstrong, Biddle, Boles, Campbell, Carothers, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Harrison, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Porter, Quarles, Rich, Roberts, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—67

Nays:

Messrs.: Jackson (R), Johnson, Kennedy, McCulley, Malone, Riddick and Robertson.

—7

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend the Substitute for H. B. 1098, Page 8, line 219 by omitting the period and adding the following:

unless proof is provided that registration has been applied for.

And the amendment was adopted.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Starkey, Teague, Trammell, Tucker, Turnham, Venable, Weeks, Whatley, Williams and Wyatt.

—63

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 1098 on Page 3, line 62 by striking the word may and inserting in lieu thereof the word shall.

And the amendment was adopted.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Goodwin, Greer, Hall, Hill, Hines, Hopping, Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Weeks, Whatley, White, Williams and Wyatt.

—59

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend the Substitute for H. B. 1098 on Page 9, line 258 by striking the entire Section 16 and renumbering the remaining sections.

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Hall, Harris, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, Mc-

Millan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Waggoner, Whatley, White and Wyatt.

—57

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 1098, Page 4, Line 111 by striking Section 6 in its entirety and renumbering the remaining sections.

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—60

Mr. White offered the following amendment No. 1 to the bill, H. 1098 as amended:

Amend House Bill 1098, page 3 by striking sub-section (b) of Section 306 in its entirety and inserting in lieu thereof the following:

(b) Any registrant that purchases or otherwise obtains from outside the State of Alabama, any controlled substance or precursor agents used to manufacture any controlled substance, shall submit to the Alabama State Department of Public Health a legible copy of an invoice or other documents involved in the purchasing or obtaining of any controlled substance or precursor agent for any controlled substance within thirty (30) days of the date of the transaction, provided, however, that this section shall not apply to a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice.

And the amendment was adopted.

Yeas 61; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Rich, Riddick, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—61

Mr. White offered the following amendment No. 2 to the bill, H. 1098 as amended:

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Amend House Bill 1098, page 6, line 169 and 171 by striking the words one ounce and inserting in lieu thereof the words one and one-half ounces.

And the amendment was adopted.

Yeas 63; Nays 6.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Hines, Holmes, Hopping, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Rich, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—63

Nays:

Messrs.: Glass, Higginbotham, McCulley, Riddick, Warren and Whatley.

—6

And the bill, H. 1098 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Quarles, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—69

Nays:

Messrs.: Barron, Callahan, Jackson (R), Kennedy, Kinsey, McCluskey, McCulley, Malone, Riddick, Robertson, Teague, and Warren.

—12

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Waggoner, Carothers, Hines, Reed, Lewis, LeFlore, Martin, McNair, Smith (B), Starkey, Greer, Rich, Campbell, Hall, Armstrong, Albright and Smith (C) as co-sponsors to the bill, H. 1098.

RESOLUTION

The following resolution was introduced:

By Mr. Robertson:

H. J. R. 395. URGING THE DEVELOPMENT OF AN INTER-STATE AND FEDERAL PROGRAM TO USE PRISONER LABOR TO

CONSTRUCT A CANAL RUNNING ADJACENT TO THE SOUTHERN MOST STATES REGION.

WHEREAS, the area from Florida to California has as one of its richest natural resources the Gulf of Mexico, the Rio Grande and Gulf of California, and other bodies of water; and

WHEREAS, a canal constructed across the southern region would enhance the economy of the nation as well as reinforce the American defense and security; and

WHEREAS, the criminal-justice system, has evinced ignominious failure, at both the federal and state levels, to rehabilitate inmates; and

WHEREAS, the penal system nationally has evolved into a spawning ground for rioting, murdering and other infamous activities, and recidivism is at an all time high; and

WHEREAS, the average national cost of maintaining one prisoner is estimated at \$10,000 annually and there are more than 204,000 inmates incarcerated in federal and state institutions who are leading a non-productive existence; and

WHEREAS, many branches of the armed services are finding it an impossible task to efficiently utilize its manpowers' talents and skills and they have demonstrated restlessness without wars to wage, and even some congressional members speak of unionizing the United States Army; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the States from Florida to California which are adjacent to the Gulf of Mexico, the Rio Grande and the Gulf of California, together with the federal government, be urged to join in undertaking the development forthwith of a joint program to utilize the energies of state and federal prisoners who are serving sentences of three months or more in digging a canal from the eastern most tip to the western most tip of this area, constructing necessary locks and dams to make such a canal open to sea-going vessels.

BE IT FURTHER RESOLVED, That members of the United States Army, Navy, and Marines, as well as the national guards of the several states be deployed to oversee the program, guard the prisoners and insure that the inmates perform their tasks well and until the tasks so performed will induce the inmates to a tranquil state, eliminating propensities to fight, riot and otherwise be disruptive.

FURTHER RESOLVED, That this Legislature believes such a program will guide the energies and talents of prisoners and the members of the armed services into productive and proper channels which will result in prodigious benefits for the nation and world for generations to come.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President and Vice President of the United States, The Speaker of the House of Representatives, the Alabama Congressional delegation, the Secretary of HEW, The Joint Chiefs of Staff, the U. S. Corps of Engineers, and the Commissioner of the Alabama Board of Corrections.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Robertson to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 395, was lost, lacking a four-fifths vote.

Yeas 50; Nays 18.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Cross, Crowe, Dial, Folmar, Goodwin, Greer, Hall, Holley, Hopping, Howard, Johnson, Killian, Kinsey, McCluskey, McCulley, McNees, Martin, Moore (O), Moore (W), Naramore, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (M), Starkey, Taylor, Teague, Trammell, Waggoner, Warren, Whatley, Williams and Wyatt.

—50

Nays:

Messrs.: Barron, Cates, Cooper, Crawford, Holmes, Jackson (R), Johnstone, Kelley, Kennedy, Lee, Leonard, Lewis, Lockett, McNair, Riddick, Smith (B), Smith (C) and Turnham.

—18

And the resolution, H. J. R. 395, was read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 928. Relating to St. Clair County; fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 927. Relating to St. Clair County, providing for the salaries of the chief deputy sheriff and the existing deputy sheriffs, providing for the hiring of additional deputy sheriffs for said county, and providing retroactive effect to the provisions of this act.

Also:

H. 1599. Relating to the employment of law enforcement officers in counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing particularly for the employment of law enforcement officers, deputies, jailers and civilians in the sheriffs' offices or by municipalities in such counties.

Also:

H. 1631. To create the District Court of Fayette County and to provide for its jurisdiction and functions, and to abolish the Juvenile Court of Fayette County and the County Court of Fayette County created by Act Number 27, Acts, 1963.

Also:

H. 1632. To provide an additional expense allowance for the probate judge of every county having a population of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1638. To provide for additional expense allowances for the tax assessor and tax collector in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1640. To provide for an expense allowance for the Sheriff in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of certain deputy sheriffs in such counties and to repeal all conflicting statutes.

Also:

H. 1641. To provide for the salary of the judge of probate of all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

H. 1654. To provide for the payment of a county supplement to the salary paid by the state for the assistant district attorney in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1655. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for the salaries of the judges of the county courts and the clerks of the county courts that are located at a place other than the county seat in such counties and to provide for an expense allowance for said judges in such counties.

Also:

H. 1656. Relating to Washington County; to provide an additional expense allowance for members of the county school board.

Also:

H. 1657. To amend Act No. 274, S. 111, Second Special Session 1971 (Acts 1971, p. 4542), entitled, "An Act Relating to counties having populations of not less than 34,100 nor more than 34,900 according to the most recent federal decennial census; to provide for an annual expense allowance for the deputy district attorney of such counties," so as to provide further for the expense allowances of such deputy district attorneys.

Also:

H. 1692. Relating to any county having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; authorizing the governing body to appropriate county funds to all organized fire departments of the county.

Also:

H. 1587. Proposing an amendment to the Constitution of Alabama relating to compensation of certain officers of Coosa County.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 391. Commending and Memorializing Dr. Frederick D. Patterson, Founder and Honorary President of the United Negro College Fund.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions introduced on the thirty-first legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 371. MOURNING THE DEATH OF PROFESSOR GEORGE WALTER HARGREAVES.

H. J. R. 380. COMMENDING THE FULTONDALE HIGH SCHOOL BAND.

The resolutions were adopted en masse.

RESOLUTIONS

The following resolutions introduced on the thirty-second legislative day were read by title pursuant to Joint Rule 11:

S. J. R. 131. COMMENDING DEAN PIERCE FOR 20 YEARS AS DEAN OF EDUCATION AT AUBURN.

S. J. R. 134. COMMENDING THE ALABAMA COUNTRY GOSPEL MUSIC ASSOCIATION.

The resolutions were adopted en masse.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Albright to suspend the rules in order to bring up out of order the bill, H. 1155, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Albright, the rules were suspended in order to bring up out of order the bill, H. 1156, was adopted.

Yeas 37; Nays 9.

Yeas:

Messrs.: Andrews, Armstrong, Carter, Crowe, Drake, Falkenburg, Greer, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, LeFlore, Leonard, Lewis, Lutz, McNees, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Porter, Quarles, Reed, Riddick, Smith (B), Starkey, Taylor, Trammell, Tucker and Wyatt.

—37

Nays:

Messrs.: Brindley, Callahan, Cates, Folmar, Holley, Kennedy, McMillan, Sasser and Smith (M).

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1156. To make a special appropriation to Alabama Agricultural and Mechanical University located in Huntsville, Alabama and prescribe the use thereof for campus improvements, purchasing certain needed science and telecommunication equipment, and improving facilities and equipment for Bibb Graves Hall and the Trade Building.

Was taken up.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Mr. Carothers to indefinitely postpone the bill, H. 1156, was lost.

MOTION TO TEMPORARILY CARRY OVER

Mr. Carothers offered the motion to temporarily carry over the bill, H. 1156.

SUBSTITUTE MOTION TABLED

On motion of Mr. Albright, the substitute motion offered by Mr. Holley to postpone the bill, H. 1156 to the thirty-sixth legislative day, was tabled.

Yeas 37; Nays 12.

Yeas:

Messrs.: Albright, Carter, Coburn, Cooper, Crawford, Crowe, Drake, Glass, Goodwin, Gregg, Hill, Holmes, Hopping, Johnson, Johnstone, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McCulley, McNair,

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McNees, Malone, Martin, Merrill, Moore (W), Naramore, Owens, Riddick, Roberts, Smith (B), Starkey, Taylor, Warren and Williams.

—37

Nays:

Messrs.: Barron, Cates, Dial, Folmar, Ford, Hall, Harrison, Holley, Howard, Jackson (R), Plaster and Porter.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO TEMPORARILY CARRY OVER LOST

The question was then on the motion offered by Mr. Carothers to temporarily carry over the bill, H. 1156, and the motion was lost.

Yeas 21; Nays 39.

Yeas:

Messrs.: Baker, Barron, Carter, Cates, Dial, Folmar, Ford, Hall, Higginbotham, Holley, Moore (W), Rich, Sasser, Smith (J), Smith (M), Taylor, Turnham, Venable, Whatley, White and Wyatt.

—21

Nays:

Messrs.: Albright Coburn, Cooper, Crawford, Crowe, Drake, Glass, Goodwin, Gregg, Harrison, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Malone, Martin, Merrill, Naramore, Owens, Plaster, Porter, Quarles, Riddick, Roberts, Smith (B), Sonnier, Starkey, Tucker and Warren.

—39

Mr. Callahan offered the following amendment to the bill, H. 1156:

AMEND SYNOPSIS TO ADD

This bill also makes appropriations to the certain junior colleges and institutions of higher education in this state for capital outlay purposes.

Add new sections as follows:

Section ____ In addition to all other appropriations heretofore made to the University of South Alabama, located in Mobile, Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to the use of the Board of Trustees of the University of South Alabama, located in Mobile, Alabama, to be used for capital outlays and capital improvements only, for the development of the College of Medicine and the Teaching Hospital, the following amounts for specific projects:

- a. To provide facilities for ambulatory care and for education emphasizing primary care including family practice and for support facilities \$ 4,600,000.00
- b. To provide remote site family practice clinic facilities \$ 500,000.00

Section 2. In addition to all other appropriations heretofore made to the State Board of Education, there is hereby appropriated from the Alabama Special Education Trust Fund in the state treasury, for the fiscal year ending September 30, 1976, to the use of the said Board of Education, to be used for capital outlays and capital improvements only, for the development of the following state junior colleges, the following amounts:

(a) Chattahoochee Valley Community College (Phenix City)	2,500,000
(aa) U. of Ala. at Tuscaloosa	6,000,000
(b) Gadsden State Jr. College	3,000,000
(bb) Tuskegee Ins. Sch. of Nursing	96,000
(c) Snead State Jr. College	1,000,000
(d) George C. Wallace Jr. College	1,000,000
(e) Jefferson State Jr. College	3,000,000
(f) Lurleen B. Wallace Jr. College	1,000,000
(g) Enterprise State Jr. College	1,000,000
(h) Alexander City Junior College	1,250,000
(hh) Auburn University at Auburn	8,500,000

Section 3. All appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3 of the Code of Alabama 1940.

Section 4. This Act shall become effective October 1, 1975.

MOTION TO TABLE LOST

The motion offered by Mr. Albright to table the amendment offered by Mr. Callahan to the bill, H. 1156, was lost.

Yeas 29; Nays 44.

Yeas:

Messrs.: Andrews, Coburn, Cooper, Crowe, Goodwin, Gregg, Harrison, Hines, Holmes, Hopping, Howard, Jackson (R), Jolly, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Narmore, Plaster, Porter, Riddick, Roberts, Smith (B), Starkey, Tucker and White.

—29

Nays:

Messrs.: Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Hall, Harris, Higginbotham, Holley, Johnstone, Killian, Kinsey, McCluskey, McMillan, Malone, Manley, Martin, Merrill, Moore (W), Morris, Pegues, Quarles, Rich, Sandusky, Sasser, Smith (C), Sonnier, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—44

MOTION TO POSTPONE TABLED

On motion of Mr. Tucker, the motion offered by Mr. Smith (M) to postpone the bill, H. 1156, to the thirty-fourth legislative day, was tabled.

Yeas 57; Nays 20.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Callahan, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Folmar, Glass, Gregg, Harrison, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Lee, LeFlore,

Leonard, Lewis, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Quarles, Riddick, Sandusky, Sasser, Smith (B), Sonnier, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—57

Nays:

Messrs.: Barron, Brindley, Campbell, Carothers, Cates, Coburn, Falkenburg, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Holley, Lockett, Owens, Rich, Roberts, Smith (J), Smith (M).

—20

The question was then on the adoption of the amendment previously offered by Mr. Callahan to the bill, H. 1156, and the amendment was adopted.

Yeas 54; Nays 28.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Clark, Crawford, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Greer, Harris, Higginbotham, Hill, Holley, Holmes, Johnson, Johnstone, Killian, Kinsey, Lee, Lockett, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Pegues, Rich, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—54

Nays:

Messrs.: Albright, Andrews, Coburn, Cooper, Crowe, Goodwin, Gregg, Harrison, Hines, Hopping, Howard, Jackson (R), Jolly, Kelley, LeFlore, Leonard, Lewis, Lutz, McNair, Moore (W), Naramore, Owens, Plaster, Porter, Riddick, Roberts, Smith (B) and Starkey.

—28

Mr. Folmar offered the following amendment to the bill, H. 1156 as amended:

Amend House Bill 1156 by adding thereto as follows at the end of Section 1:

Section 2. In addition to all other appropriation heretofore made to Jacksonville State University, Livingston University, Troy State University, the University of Montevallo and the University of North Alabama, there is hereby appropriated from the Alabama Special Education Trust Fund in the State Treasury, for the fiscal year ending September 30, 1976, to the use of the Boards of Trustees of Jacksonville State University, Livingston University, Troy State University, the University of Montevallo, and the University of North Alabama, to be used for capital outlays and capital improvements only, the following amounts:

U. of So. Ala.	10,000,000.00
a1. John C. Calhoun	10,000,000.00
a. Jacksonville State University	5,000,000.00
aa. Ala. Inst. for def & Blind (Talladega)	2,000,000.00
b. Livingston University	5,000,000.00
bb. For the 28 Jr. Tech. Schools	5,000,000.00
c. Troy State University	5,000,000.00
cc. Geo. Wallace Comm. College	5,000,000.00

d. University of Montevallo	3,000,000.00
dd. Auburn, Mtg.	5,000,000.00
e. University of North Alabama	3,000,000.00
ee. Patrick Henry Jr. College	3,000,000.00
f. Lawson State Jr.	6,000,000.00
g. Northeast State Jr.	2,000,000.00
h. Ala. State U.	2,500,000.00
i. Auburn Univ. at Auburn	8,500,000.00

Further Amend House Bill 659 by renumbering Sections 2 and 3 as appropriate.

H. 1156 POSTPONED

On motion of Mr. Albright, the bill, H. 1156 as amended, was postponed to the thirty-fifth legislative day.

MOTION TO ADJOURN LOST

The motion offered by Mr. Porter that the House adjourn until Tuesday, September 30, 1975, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Moore (O), the rules were suspended in order to bring up out of order the bill, H. 640.

And the bill:

H. 640. (With Substitute): To provide that sod farming or the raising of sod grass for resale shall be treated for tax purposes or tax exemptions the same as other types of farming.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To exempt from the sales tax levied by Act 100, Second Special Session, Legislature of Alabama 1959, sales of sod by a farmer.

Be It Enacted by the Legislature of Alabama:

Section 1. There shall be exempted from the tax levied by Act No. 100, Second Special Session, Legislature of Alabama 1959, the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof, provided however, nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock, or floral products.

Section 2. All laws or parts of laws which conflict with this act are repealed.

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Section 3. This act shall become effective on the first day of the month next succeeding its approval by the Governor or its otherwise becoming law.

And the substitute was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Boles, Brindley, Campbell, Clark, Cooper, Cross, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Johnstone, Killian, Kinsey, Lee, LeFlore, Lewis, McMillan, Malone, Manley, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Quarles, Reed, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Venable, Whatley, White and Wyatt.

—54

And the bill:

H. 640. To exempt from the sales tax levied by Act 100, Second Special Session, Legislature of Alabama 1959, sales of sod by a farmer.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Biddle, Boles, Brindley, Callahan, Campbell, Clark, Cooper, Crowe, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Hill, Hines, Holley, Howard, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lee, LeFlore, Lewis, Lutz, McMillan, Malone, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Porter, Quarles, Rich, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Whatley, White and Wyatt.

—59

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Holley and Venable as co-sponsors to the bill, H. 640.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crowe, the rules were suspended in order to bring up out of order the bill, H. 1567.

Yeas 56; Nays 8.

Yeas:

Messrs.: Biddle, Boles, Callahan, Campbell, Cooper, Crowe, Dial, Drake, Falkenburg, Ford, Gafford, Glass, Greer, Hall, Higginbotham, Hines, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kelley, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Taylor, Trammell, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—56

Nays:

Messrs.: Armstrong, Brindley, Clark, Folmar, Harris, Hill, Killian and Lee.

—8

And the bill:

H. 1567. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensation for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Was taken up.

Mr. Hill offered the following amendment to the bill:

Amend Synopsis on Page 1 by deleting line 6 beginning with "it prohibits" through the word "inspections" on line 11. Also on Page 1, delete line 31 beginning with the word "extending" through the word "inspections" on line 34.

MOTION TO CARRY OVER TABLED

On motion of Mr. Crowe, the motion offered by Mr. Callahan to carry over the bill, H. 1567, to 6:00 o'clock p. m. was tabled.

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Yeas 47; Nays 28.

Yeas:

Messrs.: Baker, Boles, Brindley, Campbell, Coburn, Crawford, Cross, Drake, Gafford, Glass, Goodwin, Greer, Hopping, Howard, Johnson, Johnstone, Kelley, Kennedy, LeFlore, Leonard, Lewis, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Porter, Rich, Roberts, Robertson, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Warren, White, Williams and Wyatt.

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Nays:

Mr. Speaker, Albright, Armstrong, Callahan, Carter, Cates, Clark, Cooper, Crowe, Falkenburg, Folmar, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Killian, Kinsey, Lee, Lutz, McMillan, McNees, Manley, Smith (J) and Tucker.

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COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed Messrs. Merrill, Manley and Owens as a Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 490.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1557. Increasing the compensation of the bailiff of the 32nd judicial circuit to \$20.00 per day, the increase to be paid out of the county treasury.

Also:

H. 1560. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Also:

H. 1566. To alter, rearrange and establish commissioners' districts in Pickens County.

Also:

H. 1571. Relating to Covington County; to outlaw the use of any commercial fishing nets in the public waters of said county for a period of five years from the effective date of this act; providing penalties therefor.

Also:

H. 1577. Relating to counties having a population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

H. 1147. Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

Also:

H. 1213. Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

Also:

H. 1590. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in Tuscaloosa County.

Also:

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Also:

H. 1237. To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

Also:

H. 1277. To amend further Act No. 37, S. 69, Special Session 1964 (Acts of 1964, p. 58) which regulates the compensation of jurors in certain counties classified on a population basis.

Also:

H. 1295. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Also:

H. 1335. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Also:

H. 1413. Relating to counties having a population of not less than 12,700 nor more than 13,100 inhabitants according to the most recent federal decennial census; to allow the governing body to set the mileage allowance for the coroner.

Also:

H. 1262. Applying to Madison County, State of Alabama; to regulate massage parlors within Madison County; to make legislative findings concerning the operation of massage parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to

define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of massage parlors in Madison County; to provide standards for cleanliness in connection with massage parlors in Madison County; to prohibit the use of any massage parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Also:

H. 1383. To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connection with the regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund; amending Sections 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1421. Relating to all counties having populations of not less than 56,500, nor more than 59,000 inhabitants according to the most recent federal decennial census; increasing the compensation of the members of the jury commission.

Also:

H. 1422. Relating to Lauderdale County; providing further for the election of the members of the county board of education.

Also:

H. 1458. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Also:

H. 1464. Proposing an amendment to the Alabama Constitution that will allow the Legislature to pass local legislation applicable to Madison County to change the method prescribed by law for giving notice to delinquent taxpayers in Madison County of their failure to pay taxes assessed against any property which is assessed to them and to further change the notice required to be given them prior to the sale for taxes of said property and to further change the method for issuing decrees for the sale of land and the trials held to determine whether such sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to further change the method regarding the sale of said property and the report of the amount of taxes collected from said sale.

Also:

H. 1481. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Also:

H. 1465. Relating to Madison County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the sale of said property and the report of the amount of taxes collected from said sale.

Also:

H. 170. Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

Also:

H. 210. To amend further Act No. 172, H. 187, 1st Special Session 1964, as further amended which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine

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Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney and the two Legal Stenographers and the addition of a Legal Stenographer in such counties.

Also:

H. 355. To amend further section 1 of Act No. 192, H. 262 First Special Session 1964 (Acts 1964, P. 256) an Act providing an annual allowance for purchasing uniforms for deputy sheriffs in counties having populations of not less than 300,000 nor more than 500,000 so as to regulate further the amount of such allowance.

Also:

H. 1215. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

H. 363. Relating to counties having a population of not less than 300,000, nor more than 500,000 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners, to provide that the provisions of this Act shall be effective upon passage.

Also:

H. 421. To allow prospective jurors to be excused without the presence of the defendant in all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Also:

H. 424. Relating to the Fifth Judicial Circuit of Alabama; to provide for an investigator who shall be furnished with an automobile and other equipment necessary for the performance of investigative duties; to prescribe the investigator's powers, duties and authority and to fix his compensation and provide for the payment thereof.

Also:

H. 426. Relating to the method of giving notice of the requirement of attendance of jury service in all judicial circuits of Alabama, having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Also:

H. 428. To apply only in the circuit courts of all judicial circuits having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any

member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

Also:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Also:

H. 766. To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

Also:

H. 770. To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

Also:

H. 1693. To further amend Section 6 of Act No. 2452, H. 2798, 1971 Regular Session (Acts of 1971, p. 3917), as amended, entitled, "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to increase the compensation of judges of the Inferior Court to \$9,600 per annum.

Also:

H. 1694. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census.

Also:

H. 1695. Relating to all counties having a population not less than 57,000 nor greater than 61,000, according to the latest Federal decennial

census; authorizing the county commission to set clerk hire for all county officers.

Also:

H. 1696. Relating to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; authorizing an additional uniform allowance for all uniformed personnel of the sheriff's department of each such county; and providing a clothing allowance for chief investigators and assistant investigators, the same to be paid from the county treasury.

Also:

H. 1699. To propose and provide for the submission to the qualified electors of the State of Alabama of an amendment to the Constitution of Alabama (a) authorizing each school district in Russell County to levy and collect a tax of eight mills on each dollar of taxable property in each district when approved by the qualified electors thereof; (b) providing that the tax year commencing October 1, 1982, is the first tax year for which each such district tax may be levied; and (c) repealing, effective October 1, 1982, the constitutional amendment known as CXXIV which authorizes an eight mill countywide tax for public school purposes in Russell County.

Also:

H. 1713. Relating to all counties with populations of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; providing for the salary of the jury commission.

Also:

H. 1743. Relating to Geneva County; relieving the tax assessor and tax collector from the duty of traveling from place to place within the county to assess property and collect taxes.

H. 1753. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers.

Also:

H. 1768. Relating to Geneva County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Also:

H. 1486. Relating to Wilcox County; to provide that the county governing body shall set the mileage allowance for the coroner.

Also:

H. 1492. To authorize the Tax Assessor and the Tax Collector of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, and to provide for the compensation of said Clerks, and to repeal Act # 215 H 647 approved September 30, 1959, Page 755 Volume 1 Acts of Alabama Regular Session 1959.

Also:

H. 1510. Relating to counties having a population of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census, to provide a total compensation for members of the jury commission and for the secretary of the jury commission in such counties.

Also:

H. 1511. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Also:

H. 1512. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 1522. Providing for an additional fee for a pistol permit or license in any county having a population of not less than 33,500 nor more than 34,000 according to the most recent federal census and providing for the disposition of the proceeds from such fees.

Also:

H. 1544. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Also:

H. 1546. To alter, rearrange, and extend the boundary lines and corporate limits of the town of Belk in Fayette County, Alabama, so as to annex certain territory to the Town of Belk, in Fayette County, Alabama.

Also:

H. 1553. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Also:

H. 1555. Relating to Lowndes County; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Also:

H. 1556. Relating to Lowndes County; to provide an additional expense allowance for the county solicitor.

McDOWELL LEE,
Secretary.

H. 1567 RESUMED

The question was then on the adoption of the amendment offered by Mr. Hill, to the bill, H. 1567.

MOTION TO TABLE

Mr. Crowe offered the motion to table the amendment offered by Mr. Hill to the bill, H. 1567.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Owens to postpone the bill, H. 1567 with pending amendment, to the thirty-fourth legislative day, was adopted.

Yeas 39; Nays 37.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Cates, Clark, Folmar, Ford, Glass, Gregg, Harris, Higginbotham, Hill, Hines, Holmes, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, McMillan, Manley, Merrill, Mitchem, Owens, Pegues, Quarles, Riddick, Smith (J), Smith (M), Starkey, Trammell, Tucker, Turnham and Wyatt.

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Nays:

Messrs.: Albright, Boles, Carothers, Carter, Coburn, Cross, Crowe, Drake, Falkenburg, Goodwin, Greer, Holley, Hopping, Howard, Johnson, Johnstone, Jolly, Leonard, Lockett, Lutz, McNair, McNees, Malone, Martin, Morris, Naramore, Porter, Reed, Rich, Roberts, Robertson, Smith (B), Smith (C), Taylor, Venable, Warren and White.

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RESOLUTION

The following resolution was introduced:

By Mr. Merrill:

H. R. 396. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Tuesday, September 30, 1975, at 2:00 P. M.

On motion of Mr. Merrill, the rules were suspended and the resolution, H. R. 396, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 824. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent federal decennial census, to provide for the payment of benefits to the employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such counties who are killed in the performance of their official duties, and repealing all conflicting laws.

Also:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Also:

H. 979. Relating to the third judicial circuit; authorizing the district attorney to appoint an additional secretarial assistant and providing for the compensation of such secretary.

Also:

H. 1064. To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Also:

H. 1735. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol. V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Also:

H. 1321. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Also:

H. 1322. To apply to every county of this State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county shall be authorized to provide an auxiliary courtroom for any inferior court established in the county if public need and public interest so require and to discontinue any such auxiliary courtroom the maintenance of which public need and public interest do not require.

Also:

H. 1660. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; to allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure,

qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Bank, Edwards and Mims.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Robertson, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 441.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 209. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of two investigators; to prescribe their authority and powers and prescribe their compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 209, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of two investigators; to prescribe their authority and powers and prescribe their compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The District Attorney for the Thirteenth Judicial Circuit is hereby authorized to appoint two investigators for such office.

Section 2. The investigators shall have the same authority and powers vested in deputy sheriffs and all other peace officers of the State of Alabama. They shall be responsible to the District Attorney and shall perform all duties assigned to them by such official.

Section 3. Compensation of said investigators shall be a minimum of \$12,000.00 and a maximum of \$15,000.00, of which nine thousand dollars shall be paid from the State treasury and the remainder to be paid from the General Fund of Mobile County.

Section 4. The salary of the investigators herein provided for shall be paid in equal monthly installments on warrants drawn in the manner prescribed by law.

Section 5. The governing body of the county in which such Circuit is located shall purchase from the general fund upon the application of the District Attorney for the use of such investigators equipment and supplies including automobile, radios (radios) and other electronic equipment, which are necessary in the proper performance of their duties and pay for such other expenses which are reasonably necessary in the suppression of crime, the apprehension of criminals and the duties assigned them. The governing body of such county shall be responsible for the maintenance and upkeep of such equipment.

Section 6. The provision of any existing Merit System or Civil Service Law shall not be applicable to any investigator appointed under this Act, and the provisions of any law, local or general, in conflict with any of the provisions of this Act are repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 8; Nays 0.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, Malone, Sandusky and Sonnier.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 209 as thus amended, was again read at length and passed.

Yeas 8; Nays 0.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, Malone, Sandusky and Sonnier.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to visit each legislative house district for the purpose of accepting forms for the reidentification of voters and for the purpose of accepting applications for the registration of voters; to provide for the designation of places to be visited; to provide further for the compensation and mileage of members of the board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Glass, the House concurred in and adopted the Senate amendment to the bill, H. 589, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census.

Section 2. At least one member of the board of registrars in any county to which this act applies shall be available once each 6 months at the city hall of all incorporated municipalities for the purpose of voter registration and voter reidentification. One member of the board of registrars shall be available for registration and reidentification purposes once each 6 months at every unincorporated area of the county which is not less than 5 miles from the courthouse upon the request of the member of the House of Representatives who represents that area with the concurrence of the Senate member who represents that area. The board members shall be available at the above mentioned areas during regular business hours on regular business days. The members of the board shall equally share the duties of visiting the legislative house districts. All reidentification forms and voter registration applications accepted by any registrar according to the provisions of this act shall be presented to and acted on by the full board or a quorum of the board at their first meeting after the acceptance of any such forms or applications.

Section 3. The county governing body and the representatives shall at their discretion determine a suitable means of advertising the visits to their legislative districts. The county governing body may authorize advertisements of such visits in any local newspaper, or on local radio stations, or on local television stations and the cost of such advertisements shall be paid out of the general fund of the county.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 10; Nays 0.

Yeas:

Messrs.: Glass, Greer, Hill, Johnstone, Kennedy, LeFlore, McCulley, Malone, Sandusky and Sonnier.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area.

As thus amended, was again read at length and passed.

Yeas 9; Nays 0.

Yeas:

Messrs.: Cross, Glass, Greer, Hill, Johnson, Johnstone, McCulley, Malone and Sonnier.

—9

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 324. Relating to any county having a population of 600,000 or more inhabitants, according to the most recent decennial census; providing that all members of the public school boards of education in said county shall reside within the area over which the particular school system has jurisdiction; and providing that present members shall not lose their position and may be reelected.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Biddle, the House concurred in and adopted the Senate amendment to the bill, H. 324, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to any county having a population of 600,000 or more, according to the most recent decennial census; providing residency requirements for members of the county public school board of education, and for those who vote for candidates in an election for a place on the county school board; and providing that present members shall be exempt from the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to any county having a population of 600,000 or more inhabitants, according to the most recent federal decennial census.

Section 2. In any such county, four members of the county public school board of education shall be required to reside within the area served by the particular county school system. Only those qualified voters who reside in the area served by the county public school board shall be eligible to vote in the election of these four members of that school board.

Section 3. In any such county, one member shall reside within a municipality not served by the particular county school system. Only those qualified voters who reside in such a municipality not served by the county school board of education shall be eligible to vote in the election of this member of that school board.

Section 4. The members of the public school boards of education in any such county who are currently holding such position shall be exempt from the provisions of this act, and may be reelected to such position.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 19; Nays 0.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Falkenburg, Gafford, Greer, Hall, Hill, Howard, Jolly, Leonard, Lutz, McMillan, Manley, Moore (O), Porter, Trammell, Waggoner and White.

—19

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 324. Relating to any county having a population of 600,000 or more, according to the most recent decennial census; providing residency requirements for members of the county public school board of education, and for those who vote for candidates in an election for a place on the county school board; and providing that present members shall be exempt from the provisions of this act.

As thus amended, was again read at length and passed.

Yeas 17; Nays 0.

Yeas:

Messrs.: Armstrong, Biddle, Boles, Gafford, Greer, Hall, Harrison, Hill, Jolly, Killian, Leonard, Lutz, Moore (O), Naramore, Trammell, Waggoner and White.

—17

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1637. To provide for the salaries and expense allowances of the circuit clerk and register of the circuit court in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Teague, the House concurred in and adopted the Senate amendment to the bill, H. 1637, said Senate amendment being as follows:

Amend H. B. 1637, page 1, line 27, by striking out the amount (\$14,500.00) and inserting in lieu thereof the amount (\$15,500.00).

Yeas 22; Nays 0.

Yeas:

Messrs.: Albright, Boles, Campbell, Carter, Dial, Ford, Greer, Gregg, Hill, Hopping, Killian, Kinsey, Lewis, Lutz, McMillan, Manley, Merrill, Moore (O), Pegues, Teague, Trammell and Waggoner.

—22

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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33rd Day

3601

And the bill, H. 1637 as thus amended, was again read at length and passed.

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Albright, Boles, Carter, Dial, Edwards, Greer, Gregg, Hill, Hines, Hopping, Jolly, Killian, Kinsey, Lewis, Lutz, McMillan, Manley, Merrill, Moore (O), Naramore, Owens, Pegues, Smith (M), Teague, Trammell, Waggoner and Wyatt.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1189. To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Jolly, the House concurred in and adopted the Senate amendment to the bill, H. 1189, said Senate amendment being as follows:

In Section 5 strike out the following words and figures, "and he shall serve as a consultant to the County Commission or the governing body of Blount County, Alabama relating to law enforcement."

Yeas 28; Nays 0.

Yeas:

Mr. Speaker, Albright, Boles, Cates, Edwards, Falkenburg, Ford, Greer, Gregg, Hill, Jolly, Killian, Kinsey, Lewis, Lutz, McMillan, McNair, McNees, Manley, Merrill, Moore (O), Naramore, Owens, Pegues, Reed, Starkey, Trammell and Waggoner.

—28

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1189 as thus amended, was again read at length and passed.

Yeas 30; Nays 0.

Yeas:

Mr. Speaker, Albright, Boles, Carter, Cates, Cooper, Crowe, Edwards, Falkenburg, Greer, Gregg, Hall, Hill, Hines, Jolly, Kelley, Killian, Kin-

sey, Lewis, Lutz, McMillan, McNair, Merrill, Moore (O), Naramore, Owens, Starkey, Trammell, Waggoner and Wyatt.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1639. To provide for the salaries of the clerical assistant to the district attorney and the court reporters in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. McCluskey, the House concurred in and adopted the Senate amendment to the bill, H. 1639, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the salaries of the clerical assistant to the district attorney and the court reporters in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall be applicable to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Section 2. The clerical assistant to the district attorney in such counties shall be entitled to a salary of not less than \$7,200 nor more than \$9,000 per annum, the exact amount of such salary to be fixed by the district attorney for such counties. Said salary shall be paid in equal monthly installments out of the treasury of such counties in the same manner as other county officers are paid.

Section 3. Each court reporter for the circuit court in such counties shall be entitled to a salary of \$6,800 per annum to be paid by the said counties. This is to be paid in addition to any and all other compensation paid by any legal entity or individual other than said counties. Said salary shall be paid in equal monthly installments out of the treasury of said counties in the same manner as other county officers are paid.

Section 4. This Act shall become effective on the first day of the month following its passage and approval by the Governor or upon its otherwise becoming law.

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33rd Day

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Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Brindley, Carter, Cates, Crawford, Dial, Edwards, Falkenburg, Ford, Greer, Gregg, Hall, Hill, Hopping, Howard, Jolly, Kelley, Kennedy, Killian, Lewis, McCluskey, McMillan, McNair, Merrill, Moore (O), Naramore, Owens, Porter, Reed, Robertson, Smith (C), Smith (M), Sonnier, Starkey, Teague, Waggoner, Williams and Wyatt.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1639 as thus amended, was again read at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Boles, Brindley, Campbell, Carter, Cates, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Greer, Gregg, Hall, Higginbotham, Hill, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Leonard, Lewis, Lockett, McCluskey, McMillan, Merrill, Moore (O), Moore (W), Naramore, Owens, Reed, Robertson, Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Williams and Wyatt.

—48

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 377. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 377, said Senate amendment being as follows:

Amend H. B. 377 by striking in Section 5, page 2, on line 9, the words and number "sixtieth (60) birthday" and insert in lieu thereof "sixty-second (62) birthday".

Amend House Bill 377 by inserting a new Section Two, as follows:

"Any elected official of any such municipality who is presently serving or who in the future may serve as such elected official, and serves for a period of not less than twelve (12) years, shall be paid a retirement benefit equal to thirty (30) per cent of the average compensation

he received as a salary during the five (5) highest paid years which he served as such elected official, which said benefit shall be payable monthly."

Further amend H. B. 377 by renumbering subsequent sections accordingly.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Albright, Callahan, Carter, Cates, Crawford, Edwards, Falkenburg, Ford, Greer, Gregg, Higginbotham, Hill, Hopping, Howard, Johnstone, Jolly, Killian, Lewis, Lutz, McMillan, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Roberts, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Waggoner, Williams and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 377 as thus amended, was again read at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Callahan, Carter, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Greer, Gregg, Higginbotham, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Roberts, Robertson, Sandusky, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 919. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Johnson, the House concurred in and adopted the Senate amendment to the bill, H. 919, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

Be It Enacted by the Legislature of Alabama:

Section 1. That there shall be an additional judgeship, to be known as Judge Number Five, for the Sixth Judicial Circuit of Alabama. The judge for the additional judgeship shall be elected in the general election in 1976, and the additional judgeship shall be established upon the election of the judge herein provided for. Such judge shall hold office from the day after election until a successor is elected and qualified as provided in Constitution of Alabama 1901, Article VI, Sections 158 and 159. The judge for the additional judgeship shall be elected thereafter in the same manner as other circuit judges in this state.

Section 2. That said additional judge shall have and exercise all the jurisdiction, powers, rights and authority and shall possess all the qualifications, and may perform all the duties that the other circuit judges of the State of Alabama may exercise, have or perform; and he shall be liable to all the pains and penalties of said other circuit judges of the State.

Section 3. The salary and compensation of said Judge Number Five shall be the same as paid by the State to the other circuit judges of the State of Alabama and shall be paid out of the State Treasury in equal installments as the salaries of the other circuit judges are paid, and the same supplement paid to the other circuit judges of the Sixth Judicial Circuit by the county or counties comprising the said Sixth Judicial Circuit shall be paid, in like manner, to said Circuit Judge Number Five. Candidates for the office of circuit judge in said circuit shall designate whether they are candidates for the office of Circuit Judge Number One, Number Two, Number Three, Number Four or for the office of Circuit Judge Number Five.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Albright, Carter, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Greer, Gregg, Higginbotham, Hill, Johnson, Johnstone, Jolly, Kelley, Killian, Lee, Lewis, Lutz, McMillan, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Roberts, Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Whatley, Williams and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 919. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

As thus amended, was again read at length and passed.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Brindley, Carter, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Ford, Greer, Gregg, Higginbotham, Holmes, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lutz, McMillan, McNees, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Porter, Reed, Roberts, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Whatley, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Johnson, the House non-concurred in the Senate amendment to the bill, H. 916, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

SECTION 1. The total compensation of each Deputy District Attorney of the Sixth Judicial Circuit shall be computed by the criteria set out in Section 2 hereinbelow. Of the total compensation received by each such Deputy District Attorney, each shall be paid such annual salary by

the State of Alabama as may be otherwise provided for by law. The remainder of said annual compensation of each such Deputy District Attorney shall be paid by the county governing body of Tuscaloosa County, which sum shall be paid from the general fund of said county in equal installments as the salaries of other county officers are paid.

SECTION 2. (A). The beginning salary for each Deputy District Attorney shall be \$13,500.00 per annum.

SECTION 2. (B). When each Deputy District Attorney has completed one year of service in such office to the satisfaction of the District Attorney, and upon employment he had less than one year of prior applicable experience as an attorney, he shall, on recommendation of the District Attorney receive an increase in his annual salary of an amount, not to exceed \$1,500.00 per annum; but, if, however, he had more than one year of prior applicable experience as an attorney upon his employment, then he shall, on recommendation of the District Attorney receive an increase in his annual salary of an amount, not to exceed \$2,500.00 per annum.

SECTION 2. (C). When each Deputy District Attorney has completed two years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an increase in his annual salary of an amount, not to exceed \$2,500.00 per annum.

SECTION 2. (D). When each Deputy District Attorney has completed three years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an increase in his annual salary of an amount, not to exceed \$1,500.00 per annum.

SECTION 2. (E). After the completion of each additional year of service in such office after the third such year, to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney, receive an increase in his annual salary of an amount, not to exceed \$1,000.00 per annum.

SECTION 3. In determining the present salary of each Deputy District Attorney serving in such office at the time that this Act becomes a law, it is intended that such salary be what it would have been if this law had been effective at the time that such Deputy District Attorney began his service as such Deputy District Attorney, and that the service of such Deputy District Attorney has been satisfactory to the District Attorney, and that the District Attorney has after each year of such service recommended that such Deputy District Attorney receive the maximum salary increase possible under this Act.

SECTION 4. In the event that after this Act becomes a law any former Deputy District Attorney shall be re-employed in such office, then his prior term of service in such office may be considered in determining his salary, in the discretion of the District Attorney; and, if such former Deputy District Attorney shall have also served as a Public Defender, then the time served as such Public Defender may also be considered in determining his salary, in the discretion of the District Attorney.

SECTION 5. All laws or parts of laws which conflict with this Act are hereby repealed.

SECTION 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Albright, Carter, Cooper, Greer, Gregg, Hall, Higginbotham, Hopping, Howard, Johnson, Johnstone, Jolly, Kelley, Lee, Lewis, Lutz, Plaster, Porter, Robertson, Smith (C), Smith (M), Turnham, Waggoner and Whatley.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Johnson, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 916.

The Speaker of the House named as the Committee on Conference on the part of the House, Messrs. Johnson, Owens and Howard.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 186. Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Wyatt, the House concurred in and adopted the Senate amendment to the bill, H. 186, said Senate amendment being as follows:

Amend House Bill No. 186, Page 1, by deleting Section 2 in its entirety and substituting in lieu thereof the following:

Section 2. Appointment; tenure of office. The Probate Judge of Montgomery County shall appoint three warrant magistrates for any such area of said county.

Yeas 25; Nays 0.

Yeas:

Mr. Speaker, Albright, Biddle, Campbell, Carter, Cooper, Edwards, Falkenburg, Greer, Harris, Higginbotham, Holmes, Jolly, Lewis, Lutz, McNees, Plaster, Robertson, Sandusky, Smith (M), Turnham, Venable, Waggoner, Whatley and Wyatt.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

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The Clerk reported that there was a quorum present.

And the bill, H. 186 as thus amended, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carter, Cooper, Cross, Edwards, Falkenburg, Greer, Gregg, Higginbotham, Hines, Holmes, Hopping, Jolly, Kelley, Killian, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Plaster, Porter, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Whatley and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 803, said Senate amendment being as follows:

Amend H. B. 803 by striking the figure ("\$800.00" on line 27 and inserting in lieu thereof the figure.. \$1,000.00 and by striking the figure "\$600.00" on line 29 and inserting in lieu thereof the figure \$700.00 and further amend H. B. 803 by striking "Section 7" in its entirety.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Harris, Higginbotham, Hines, Hopping, Jolly, Kennedy, Killian, Lee, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Plaster, Porter, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Turnham, Venable, Waggoner, Whatley, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 803. To amend Sections 6, and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

As thus amended, was again read at length and passed.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Lewis, Lockett, Lutz, McMillan, McNeas, Martin, Merrill, Moore (O), Moore (W), Naramore, Plaster, Porter, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham, Venable, Whatley and Williams.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the House concurred in and adopted the Senate amendment to the bill, H. 809, said Senate amendment being as follows:

Amend H. B. 809 by inserting the following words on line 20 between the word "issued" and the word "by", viz:

in misdemeanor cases only

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar,

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Greer, Gregg, Harris, Higginbotham, Hines, Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Martin, Merrill, Moore (W), Naramore, Plaster, Porter, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Starkey, Turnham, Waggoner, Whatley and Williams.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 809 as thus amended, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Greer, Gregg, Higginbotham, Hines, Hopping, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Trammell, Turnham, Waggoner and Williams.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1479. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Killian, the House concurred in and adopted the Senate amendment to the bill, H. 1479, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the DeKalb County Commission shall receive an additional expense allowance in the amount of \$150.00 per month.

Section 2. The associate members of the DeKalb County Commission shall receive an additional expense allowance in the amount of \$50.00 per month.

Section 3. Commencing with the next term of office for which they are elected, the associate members of said DeKalb County Commission shall receive an additional expense allowance of another \$50.00 per month.

Section 4. The provisions of Section 1 of this Act shall expire and be null and void upon the beginning of the next term of office of the Chairman of the DeKalb County Commission.

Section 5. The expense allowances provided for by this Act shall be paid out of the county general fund and shall be in addition to any and all other salary, compensation and expense allowances provided for by law.

Section 6. The provisions of this Act shall become effective on the first day of the month next succeeding the date this Act becomes law.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Crawford, Crowe, Edwards, Falkenburg, Greer, Gregg, Higginbotham, Hines, Hopping, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, Martin, Mitchem, Moore (W), Naramore, Pegues, Plaster, Roberts, Smith (C), Smith (J), Smith (M), Turnham, Waggoner, Williams and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1479 as thus amended, was again read at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Crawford, Crowe, Edwards, Falkenburg, Greer, Gregg, Hall, Higginbotham, Hines, Hopping, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, Manley, Mitchem, Moore (W), Naramore, Pegues, Plaster, Porter, Roberts, Smith (J), Smith (M), Trammell, Turnham, Waggoner, Williams and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

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H. 1488. To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Moore (O), the House non-concurred in the Senate amendment to the bill, H. 1488, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Shelby County Commission is authorized at its discretion to provide an additional expense allowance in an amount not to exceed \$2,600 per year to any of the following: the judge of the inferior court, the circuit clerk, the probate judge, the sheriff, the tax assessor, and the tax collector, and an expense allowance of \$1,200 per year to each member of the Shelby County Commission, except the Chairman; and the Shelby County Commission shall determine when the payment of any such expense allowance shall commence. Said expense allowances shall be in addition to any compensation and allowances heretofore prescribed by law and shall be payable in equal monthly installments from the general fund of the county.

Section 2. At the commencement of a new term of office for each of the county officials designated in Section 1 above, all fixed expense allowances provided by statute and payable to any of such officials shall be added to and become a part of the salary of any such official and shall not continue to be paid as an expense allowance.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Crawford, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Hopping, Johnstone, Jolly, Kelley, Kinsey, Lewis, Lockett, Lutz, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Porter, Smith (J), Smith (M), Trammell, Turnham, Waggoner and Williams.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Moore (O), a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 1488.

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The Speaker of the House named as the Committee on Conference on the part of the House, Messrs. Smith (C), Moore (O), and Waggoner.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 450. Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Starkey, the House concurred in and adopted the Senate amendment to the bill, H. 450, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

Be It Enacted by the Legislature of Alabama:

Section 1. The chairman of the governing body of Jackson County shall receive, upon the expiration of the present term of office, a monthly salary of \$1,250.00, which shall be payable from the general funds of said county. The members of the county governing body, except the chairman, shall each receive, upon the expiration of the present terms of office, a monthly salary of \$400.00 plus 15¢ per mile travel expenses for one trip each week from their home to Jackson County courthouse to be paid from the general funds of said county.

The salary provision and expense allowances hereinabove provided for the chairman and members of the county governing body shall be in lieu of any previous salary or expense allowances now payable to such person.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Higginbotham, Hines, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis,

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Lockett, Lutz, McMillan, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Smith (J), Smith (M), Starkey, Trammell, Turnham and Williams.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 450 as thus amended, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Higginbotham, Hines, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Smith (C), Smith (J), Smith (M), Starkey, Trammell, Turnham and Williams.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1121. To amend further Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), relating to the compensation of election officers in counties having populations of not less than 300,000 nor more than 500,000.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 1121, said Senate amendment being as follows:

Amend House Bill No. 1121, Page 1, Line 31, by striking out after the word "Provided." "The county treasury of the counties to which this act applies shall not be reimbursed for the amount by which the above described compensation exceeds the compensation prescribed by the general law for elective officers."

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Higginbotham, Johnstone, Jolly, Kennedy,

Kinsey, Lee, Lewis, Lockett, Lutz, McMillan, McNees, Malone, Manley, Merrill, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1121 as thus amended, was again read at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Higginbotham, Hines, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (W), Owens, Pegues, Plaster, Porter, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Williams and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1466. To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of rates, fees and charges for such services, penalties for non-payment, and liens upon the property in the District to enforce the payment of such charges; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Moore (O), the House concurred in and adopted the Senate amendment to the bill, H. 1466, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of taxes, rates, fees and charges for such services, to constitute such taxes, fees and charges a debt of and claim against those owning property or residing within the District and a lien upon the property in the District; to provide penalties for non-payment; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

Be It Enacted by the Legislature of Alabama as follows:

Section 1. The following terms when used or referred to in this act shall have the following meanings respectively unless a different meaning clearly appears from the context:

"Board of Directors" shall mean the board of directors or other governing body of the District.

"County" shall mean Shelby County.

"County Commission" shall mean the present governing body of Shelby County and any successor to its functions and duties.

"District" shall mean a public corporation created pursuant to this act.

"Residence" shall mean a building in the Territory occupied as the place of domicile of any family. Any single family dwelling whether located in a duplex, apartment or housing project or complex, shall be considered a residence. A single room in a hotel, boarding or rooming house shall not be considered a residence.

"Services" shall mean any one or more of the following, which shall be stated as the purpose of the District in its certificate of incorporation: the fighting and prevention of fires; the supply of water; the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes; the operation of emergency medical services, including rescue and ambulance services; the guarding and protection of lives and property; and such other local services as shall be approved by the County Commission for inclusion in the certificates of incorporation.

"Territory" shall mean the area included in and served by the District, as stated in its certificate of incorporation.

Section 2. Requisites for Incorporation. The citizens of any area in the County in which as many as 200 Residences are located may be incorporated as a District under this act. All or any part of the area within the corporate limits of an incorporated municipality may be included in the Territory of the District, but such Territory shall not include any such area within the corporate limits unless the governing body of such municipality shall have adopted a resolution consenting to such inclusion.

Section 3. Petition for Incorporation. Any fifty or more qualified electors residing within the Territory proposed to be included in a District may petition the County Commission to cause a District to be incorporated and organized under this act. The petition shall be in writing, shall describe the Territory to be included in the District, shall state that at least 200 Residences are located within the Territory, and shall have attached thereto the proposed certificate of incorporation and, if the Territory includes any area within the corporate limits of an incorporated municipality, the resolution of the governing body of such municipality consenting to the inclusion of such area in the Territory of the District.

Section 4. Certificate of Incorporation. The proposed certificate of incorporation shall state the following:

- a. The name of the District, which shall be "The _____ (a numerical designation of the District or a name which generally designates the Territory) _____ (a brief description of the principal Services to be rendered) District of Shelby County";
- b. The legal description of the Territory of the District;
- c. The Services to be rendered;
- d. The location of the principal office, which shall be at the County Court House; and
- e. A blank space left for the insertion by the County Commission of the names and terms of office of the initial members of the Board of Directors.

One of the persons who presents and files the petition with the County Commission shall attach thereto an affidavit that the signatures on the petition are the genuine signatures of the persons who signed their names thereto, that they are qualified electors resident in the Territory and that within the Territory are located at least two hundred Residences.

Section 5. Submission of Question. If a petition shall have been filed with the County Commission and the County Commission shall have determined that the representations therein are true and that it is wise, expedient or necessary that the District be incorporated, it shall call an election and shall cause the question:

"Shall the citizens of _____ (describe generally the Territory), more particularly described in a petition filed with the County Commission of Shelby County, be incorporated as the _____ District of Shelby County, to provide the following Services:

in such Territory?"

to be submitted to the determination of the qualified electors resident in the Territory of the District at such election. If the petition shall have been filed not more than sixty days and not less than thirty days prior to any general county or state election, the election shall be held along with such general county or state election; but if the petition shall not have been filed so as to permit the question to be submitted at a general county or state election to be held not more than sixty days nor less than thirty days prior to any general county or state election, the County Commission shall at its next regular meeting succeeding the filing of the petition, call a special election to be held on a designated date, which day shall not be less than thirty days nor more than sixty days from the date of such regular meeting.

Section 6. Election Laws Apply; Appropriation for Expenses. The provisions of the election laws providing for the registration of voters, equipment of polling places, furnishing of supplies, appointment of election officers, absentee ballots, voting and canvassing of returns and declaration of results at a county election, shall apply to such election. The County Commission is authorized to appropriate such funds as are required to pay expenses of such election.

Section 7. Publication of Notice and Conduct of Election. The Judge of Probate shall cause notice of the filing of the petition and the question to be submitted to be published at least once on the same day of each week for three consecutive weeks in a newspaper published or of general circulation in the Territory. If no such newspaper is published or circulated in the Territory, such notice shall be posted in three public places in the Territory, at least 3 weeks before the election. The determination of the County Commission as to whether or not a newspaper is published or circulated in the Territory shall be conclusive.

Section 8. Form of Ballot. The question shall be printed on the ballots and on the voting machine counters. Beside the question there shall be placed the voting squares or voting levers, with the word "Yes" for voting for the question so submitted, and the word "No" for voting against the question so submitted.

Section 9. Canvass of Returns and Declaration of Results. The returns of the election shall be canvassed and the results declared by the Election Commission of the County and a copy of such declaration shall be filed with the County Commission. At the regular meeting of the County Commission next succeeding the completion of the canvass of returns and declaration of results of the election, the County Commission shall adopt a resolution setting forth the question submitted at the election, the number of votes cast for the question and the number of votes cast against the question. If the number of votes cast for the election exceeds the number of votes cast against the question at such election, such resolution shall declare the citizens of Shelby County who are inhabitants of the Territory to be incorporated under the name set forth in the petition and the proposed certificate of incorporation. At such meeting the County Commission shall appoint the first members of the Board of Directors of the District as hereinafter provided.

Section 10. When District Deemed Incorporated. The citizens of the County who are inhabitants of the Territory with respect to which an election shall have been held and the results shall have been declared in favor of the question submitted, shall become and be an incorporated District under this act from and after the date of adoption of the resolution of the County Commission declaring that such citizens be so incorporated. Within three days after the adoption of such resolution by the County Commission, a certified copy thereof together with a copy of the certificate of incorporation executed by the first members of the Board of Directors appointed by the County Commission shall be filed in the office of the Judge of Probate of the County and recorded by him in incorporation records and a copy shall be transmitted to the Secretary of State.

Section 11. Board of Directors. The County Commission shall appoint three persons who reside in the Territory as members of the Board of Directors or governing body of the District at the meeting at which the District is declared to be incorporated. The term of office of the initial members of the Board of Directors shall be one, two and three years respectively and thereafter the term of office of each member shall be for three years. Members shall hold office until their successors are appointed and qualify. Any vacancy shall be filled by ap-

pointment by the County Commission for the unexpired term. The County Commission may remove any member of the Board of Directors within the term for which he shall have been appointed after giving to such member a copy of the charges against him and an opportunity to be heard in his defense. The action of the County Commission in removing any member shall be final and nonreviewable.

Section 12. Organization of Board of Directors; Officers. The three members of the Board of Directors initially appointed by the County Commission and named in the certificate of incorporation shall meet as soon as practicable after the certificate of incorporation shall have been filed as provided in Section 10 of this act and they shall organize. At such meeting and at the first meeting in each fiscal year of the District thereafter, the members of the Board of Directors shall choose from their number a president and a vice president. They may also choose a secretary and such assistant secretaries, and other officers as are provided for in its bylaws, but none of such officers shall be required to be a member of the Board of Directors. The County Treasurer or County Depository of the County shall be treasurer or depository of the District.

Section 13. Compensation of Members and Employees. The Board of Directors may delegate to one or more of its members, or to its agents or employees, such powers and duties as it may deem proper and fix the compensation of such agents or employees; provided, however, that members of the Board of Directors shall not be entitled to any compensation for their services, but they may receive reimbursement for expenses incurred in the performance of their duties.

Section 14. Enlargement of Services. The District shall not provide any of the Services not designated in its certificate of incorporation unless the additional Services shall have been submitted to and approved by the electors of the Territory of the District. If the Board of Directors of the District shall by resolution request the County Commission to submit the question of furnishing such additional Services, or if a petition signed by fifty or more qualified electors residing within the Territory requesting the submission of such question and executed as provided in the case of petitions for the submission to vote on the question of incorporating a District under this act shall be filed with the County Commission, the County Commission shall, if it determines that it is wise, expedient or necessary that the certificate of incorporation be amended to include such Services, call an election for the submission of the question at a special election in the Territory to be held not less than thirty nor more than sixty days after the adoption of such resolution or the filing of such petition or at the next general election in the County or State if the same is to be held not less than thirty nor more than sixty days after such filing. The mode or method of procedure for the submission of such question, the publication of notice of the election, the conduct of the election, and the canvassing of returns and declaration of results shall conform as nearly as may be practicable to the mode or method of procedure for the submission of the question of the incorporation of such District at an election as hereinabove provided. If the number of votes cast in favor of the furnishing of such additional services exceeds the number of votes cast against the furnishing of such additional services, the County Commission shall adopt a resolution declaring such result and the president or vice president of the District shall execute a certificate of amendment stating that the certificate of incorporation of the District has been amended to include authority to engage in such additional Services, and he shall file such certificate of amendment and a copy of the resolution of the County Commission within three days after the County Commission shall have declared that the election resulted in favor of the amendment, in the office of the

Judge of Probate of the County, where it shall be recorded in incorporation records, and a copy shall be transmitted to the Secretary of State.

Section 15. Diminution of Services. The services of the District shall not be diminished so as to exclude the furnishing of any of the Services authorized in its Certificate of Incorporation or an amendment thereto unless and until all bonds issued by the District pursuant to this act and interest and premium, if any, thereon, shall have been paid or discharged, except with the consent of the holders of all bonds then outstanding which are secured in whole or in part by a pledge of the revenues derived from the furnishing of the Services to be excluded. Thereafter such Services may be diminished and the mode or method of procedure for the diminishing of such Services shall conform as nearly as may be practicable to the provisions of this act relative to the manner of enlarging the Services of the District. The County Commission shall call and conduct elections on the question of such diminution. If the number of votes cast in favor of the reduction or diminution of Services exceeds the number of votes cast against the diminution of such Services at such election, the County Commission shall adopt a resolution declaring such result and the president or vice president of the District shall execute a certificate of amendment stating that the certificate of incorporation of the District has been amended by the deletion of authority to engage in such Services, and he shall, within three days after the County Commission shall have declared that the election resulted in favor of the deletion of the Service, file such certificate of amendment and a copy of the resolution of the County Commission in the office of the Judge of Probate of the County, where it shall be recorded in incorporation records, and a copy shall be transmitted to the Secretary of State.

Section 16. Limitation on Elections. Not more than one election shall be held in any Territory upon the question of enlarging or diminishing services in any period of two years and not more than two elections shall be held upon the question of incorporating a District embracing all or any substantial portion of the same Territory in any period of two years.

Section 17. Corporate Purpose of District and General Grant of Power. Each District incorporated under this act is hereby vested with all power necessary or desirable for the performance of the Services stated in the certificate of incorporation of the District which are capable of being delegated by the Legislature of the State of Alabama. Without limiting the generality of the foregoing, each District shall have the power to acquire, construct, reconstruct, extend, improve and maintain and operate any plant, works, systems, facilities or properties together with all parts thereof and appurtenances thereto, used or useful in the performance of the Services authorized in its certificate of incorporation. The District is empowered to do all acts necessary, proper, or convenient in the exercise of the powers granted by this act.

Section 18. Grant of Specific Powers. Each District incorporated under this act shall have power: to sue and be sued; to have a seal and alter the same at pleasure; to acquire, by purchase, gift, devise, lease or exercise of the power of eminent domain, or other mode of acquisition, hold and dispose of, and grant options with respect to the property, real and personal, tangible and intangible, and any interest therein, in its own name, subject to mortgages or other liens or otherwise and to pay therefor in case or on credit, and to provide for and secure payment of all or any part of the purchase price thereof on such terms and conditions as it shall determine; to make and enter into contracts, indentures of trust, leases and bonds; to borrow money and to issue negotiable

bonds and promissory notes and provide for the rights of the holders thereof; to fix, maintain, alter from time to time and collect reasonable taxes, rates, fees and charges for any Services; to pledge all or any part of its revenues; to constitute such taxes, fees and charges a debt and claim against those residing or owning property within the District and a lien upon the property within the District; to cut off and refuse Services to any person or property when the fee or charge for such service has not been paid; to make such covenants in connection with the issuance of bonds or notes or in order to secure the payment of notes or bonds, that a private business corporation can make under the general laws of the State, notwithstanding that such covenants may operate as limitations upon the exercise of any of the powers granted by this act; to enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations; to perform any and all acts and do any and all things by contract or contracts, or under, through or by means of its own officers, agents and employees; to pay to the County the proportionate cost of any shared service; to purchase, produce or otherwise secure such property and services as it requires in the furnishing of the Services; to exercise all powers of eminent domain now or hereafter conferred on counties in the State; provided, however that the District shall not borrow money, purchase in any one fiscal year more than \$5,000 of property or services on credit, or issue any bonds or promissory notes without the prior approval of the County Commission expressed by resolution duly adopted by it.

Section 19. Moneys of Districts. All moneys of the District from whatever source derived, shall be paid to the treasurer or depository of the County and shall be held by him or it in a separate and special account for the use and benefit of the District. The moneys in said account or accounts shall be paid out on check or warrant of the treasurer or depository on requisition of the Board of Directors or such other person or persons as the District may authorize to make such requisitions. All deposits of such moneys shall, if required by the Board of Directors of the District or by the County Commission, be secured in the same manner as deposits of County funds. This section shall not be construed as limiting the power of the District to agree as to the custody or disposition of moneys or revenues for the security of its bonds or notes; provided, however, that the moneys of the District shall not be entrusted to any person, firm or corporation unless adequate security for its protection shall be given.

Section 20. Fiscal Year of the District. Audit of Books. The District shall have a fiscal year beginning October 1 and ending September 30 of the next succeeding year. The County Commission shall require an annual audit of the records and books and accounts of the District, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. A copy of the report of audit shall be furnished to the Board of Directors and the County Commission and a copy shall be kept available in the County Courthouse for public inspection. The trustee or trustees of the holders of any outstanding bonds may require a special audit and examination of the books, records and accounts of the District. Each audit required by this section shall be at the expense of the District.

Section 22. Bonds of the District. Bonds of each District shall be authorized by resolution of the Board of Directors and may be issued in one or more series, may bear such date or dates, mature at such time or times, not exceeding 40 years from their respective dates, bear interest at such rate or rates, whether in excess of the general laws limiting the rates of interest or governing usury or not, be in such denomination or denominations, be in such form, either coupon or registered, be executed in such manner, be payable in such medium of payment, at such place

or places, within or without the State of Alabama, and be subject to such terms of redemption, with or without premium, be declared or become due before the maturity date thereof, as such resolution or resolutions may provide. Such bonds may be issued for money or property, at public or private sale for such price or prices as the Board of Directors shall determine. Pending the preparation or execution of definitive bonds, interim receipts or certificates or temporary bond may be delivered to the purchaser or purchasers of such bonds. Such bonds may be purchased by the District out of any funds available for such purpose at a price not greater than the principal amount thereof and accrued interest, and all bonds so purchased shall be cancelled.

Section 22. Liability on bonds and other obligations. No bond or other obligation of any District incorporated under this act shall be a debt or obligation of the State of Alabama, the County or any municipality in the County; and neither the State, nor the County nor any municipality in the County shall be liable in any way whatsoever thereon, nor shall the holder of any such bond or obligation compel the levy of any taxes for its payment. Said bonds shall not be payable out of any funds other than those of the District issuing the same and each bond shall contain a recital to that effect. Neither the members of the Board of Directors nor any person executing such bond or obligation shall be liable personally thereon by reason of the issuance thereof.

Section 23. Rights and Remedies of bondholders. In addition to all other rights and all other remedies provided by law, the holder or holders of any bond or bonds of any District including the trustee or trustees for bondholders shall have the right, subject to any contractual limitations binding upon such bondholder or holders or trustee, and subject to the prior or superior rights of others: to sue on the bonds; by mandamus or other suit, civil action or proceeding, to enforce his rights against the District, including the right to require the District to fix, alter and collect rates, fees and charges adequate to carry out any agreement as to, or pledge of, the revenues produced by such rates or charges, and to require the District to carry out any other covenants and agreements with such bondholder and to perform its and their duties under this act; by civil action to require the District to account as if it were the trustee of an express trust for such bondholder; by civil action to enjoin any act or thing which may be unlawful or in violation of the rights of such bondholder; by civil action or proceeding in any court of competent jurisdiction, to obtain in the event of default by the District in the payment when due of his or their bond or bonds or interest thereon, the appointment of a receiver of the property of the District or any part or parts thereof, and such receiver may enter and take possession of such property or any part or parts thereof; and such receiver may engage in furnishing the Services, operate and maintain the property and facilities of the District, fix, alter, and collect rates, fees and charges for the Services, and receive all revenues thereafter arising therefrom in the same manner as the District itself might do; foreclose liens on property to secure the payment of charges for the Services; and shall deposit such moneys in a separate account or accounts and apply the same in accordance with the obligations of the District as the court shall direct.

Section 24. District as independent instrumentality. This act is intended to aid the State and the County in the execution of their duties by providing appropriate and independent instrumentalities in the County with full and adequate power to fulfill their functions. Except as in this act otherwise expressly provided, except for such approval by the Alabama Water Improvement Commission, if any, as may be required by Act No. 1260 enacted at the 1971 Regular Session of the Legislature of Alabama and except for such approval by the State Board of Health, if any, as may be required by Act No. 1127 enacted at the 1969 regular

session of the Legislature of Alabama, it shall not be necessary for any District to obtain, prior to engaging in furnishing the Services, or acquiring, constructing, restructuring, improving, or extending any plant or system or facilities, required for the Services of the District, any certificate of convenience and necessary, franchise, license, permit or any other authorization from the State or the County or any board, bureau, commission, department or other agency thereof.

Section 25. Agreement of State. The State of Alabama does hereby pledge to and agree with the holders of all bonds and notes issued by any District pursuant to this act that the State will not limit or alter the rights and powers hereby vested in the District to fix, alter and collect such rates, fees and charges as may be necessary or desirable in order to produce sufficient revenue to meet all the expenses of maintenance and operation and to fulfill the terms of any agreement made with the holders of such bonds, until such bonds, together with interest and the premium, if any, thereon, and any interest on any unpaid installments of interest and all costs and expenses in connection with any suits, actions or proceedings filed on behalf of such bondholders, shall have been fully paid and discharged.

Section 26. Act Complete In Itself. Any District incorporated under this act shall be governed exclusively by the provisions of this act insofar as the subject matter of this act is concerned.

Section 27. Severability. If any section, portion, provision, or clause shall be held illegal, unconstitutional or invalid by any court of competent jurisdiction, the remaining provisions of this act shall nevertheless stand and be construed as if such illegal, unconstitutional or invalid portion, section or clause had not been included herein.

Section 28. Effective Date. This act is intended to implement and shall become effective upon the ratification of the constitutional amendment submitted by the Legislature at the present regular session thereof to authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Shelby County as public corporations to provide local public services, including fighting and prevention of fires, furnishing water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services, and the guarding and protection of lives and property.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Johnstone, Jolly, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (W), Naramore, Pegues, Plaster, Quarles, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Turnham, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1466. To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of taxes, rates, fees and charges for such services, to constitute such taxes, fees and charges a debt of and claim against those owning property or residing within the District and a lien upon the property in the District; to provide penalties for non-payment; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

As thus amended, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Johnstone, Jolly, Kinsey, Lewis, Lutz, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Quarles, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Lutz, the House non-concurred in the Senate amendment to the bill, H. 159, said Senate amendment being as follows:

Amend Section 14, the final section of the bill relating to the effective date, by deleting it entirely and inserting in lieu thereof the following section.

"Section 14. This Act shall become effective on October 1, 1976 provided, however, that the Madison County Governing body by resolution

may cause this act to be implemented at any time after the first day of the Regular Session of the Legislature of 1976 if they should determine that the legislation does not create a financial hardship for the county."

Immediately following Section 9, page 4 of said bill, insert the following new sections and renumber the remaining sections accordingly:

Section 10. There is hereby created the office of Administration for the pre-trial release program hereby created which shall be headed by an officer known as the Administrator of the Pre-Trial Release Program of Madison County. Immediately upon the implementation of the release program herein provided, the county governing body of Madison County shall appoint an administrator, and shall provide personnel and facilities required to maintain the office of Administration. The said administrator shall serve at the pleasure of the Madison County governing body. The administrator shall be charged with the general administrative, supervisory and co-ordinating duties of the release program, including specifically, but not limited to, the keeping of complete records pursuant to the program, and the coordination and dissemination of all materials and information between the circuit judges' offices, the district attorney's office and the sheriff's department of Madison County in order to implement and facilitate the provisions of this act. The administrator shall be authorized to use directly in his operations any personnel of the sheriff's department, the district attorney's office or the work-release program, with the cooperation and consent of these various agencies.

The salaries of the administrator and any personnel which may be authorized and employed in the Office of Administration of the Pre-Trial Release Program shall be set by the governing body of Madison County and shall be payable from the county general fund in equal monthly installments.

Section 11. Upon the enactment of this act, the governing body of Madison County shall appoint a Citizen's Committee of the Pre-Trial Release Program. The committee shall consist of 5 members, one appointed by each of the five members of the county governing body. No appointed member of the committee shall be eligible to serve if such person is an elected official of the state or county, and no more than one lawyer shall be a member of the committee at any time.

Upon the first state legislative day of 1976 the Madison County Governing Body shall report to the legislative delegation of said county of its opinions and estimates of costs involved in the pre-trial release program, the feasibility of such program, and any suggestions relating to possible amendments to this act, including suggested new sources of revenue to accommodate any proposed changes or amendments.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Hopping, Johnstone, Kelley, Kennedy, Killian, Lewis, Lutz, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Trammell, Turnham and Williams.

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On motion of Mr. Lutz, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 159.

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The Speaker of the House appointed as the Committee on Conference on the part of the House, Messrs. Lutz, Moore (W) and Riddick.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 6. CREATING A SELECT COMMITTEE TO STUDY THE BEST METHOD OF UTILIZING THE NATURAL RESOURCES OF SOUTHWEST ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Kinsey, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 6, said Senate amendment being as follows:

Amend H. J. R. 6 on line 35 by striking the sentence following the word "established." in its entirety.

And the resolution, H. J. R. 6, as amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:
By Mr. Fine:

S. J. R. 137. MOURNING THE DEATH OF FORMER REPRESENTATIVE D. C. ("DEACON") GREY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. McNees, the rules were suspended and the House concurred in and adopted the resolution, S. J. R. 137, set out in the above and foregoing Message from the Senate.

MOTION TO SUSPEND RULES ADOPTED

Having voted on the prevailing side, Mr. Smith (C) offered the motion to reconsider the vote by which the rules were not suspended for immediate consideration of the resolution, H. J. R. 395, and the motion was adopted.

Yeas 50; Nays 8.

Yeas:

Messrs.: Albright, Baker, Biddle, Campbell, Carothers, Carter, Clark, Crawford, Cross, Crowe, Falkenburg, Folmar, Glass, Greer, Hall, Hines, Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Smith (C), Starkey, Taylor, Trammell, Venable, Waggoner, Warren, White and Williams.

Nays:

Messrs.: Harrison, Higginbotham, Johnstone, Kennedy, Leonard, McNair, Smith (B) and Turnham.

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MOTION TO SUSPEND RULES LOST

Mr. Robertson again offered the motion to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 395, and the motion was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Foshee:

S. J. R. 135. PROVIDING FOR INTERIM COMMITTEES BETWEEN THE REGULAR SESSIONS OF 1975, 1976, 1977 and 1978.

WHEREAS the annual sessions amendment to the Alabama Constitution has substantially reduced the meeting time of the Alabama Legislature and thereby the time of consideration of matters before it; and

WHEREAS it is most important to the people of Alabama that the Legislature be as well informed as possible on matters brought before it in order that intelligent decisions may be made without undue delay; and

WHEREAS the annual meetings of the Legislature require more and more time for the annual consideration of the funding of state agencies; and

WHEREAS it is desirable that the Legislature prepare itself as best as possible on the funding of state agencies and other pending matters during the interim between the regular sessions of the Legislature; and

WHEREAS consideration during the interim between the regular sessions of issues known to be coming before the next regular session would substantially reduce the time devoted to these issues during the session; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there are hereby established interim committees consisting of the various standing committee of the Legislature.

The committees shall meet during the interim between the regular sessions of 1975, 1976, 1977 and 1978 on the call of their chairmen with the prior written consent of the presiding officer of the house in which the committee serves.

The interim committees created by this resolution shall consider generally matters within the ordinary scope of the committee and specifically shall consider bills prefiled and referred to the committee by the presiding officers of their respective houses.

Conclusions reached by the interim committees created by this resolution on prefiled legislation shall not be binding at the time the bills

are considered during the regular session; however, the committee shall keep records and decisions reached during the interim shall be considered when the committee meets in regular session.

All meetings of the interim committees created by this resolution shall be in Montgomery, Alabama and members of the committees shall be entitled to their regular legislative compensation and travel as provided by law or each day spent on the committees' business in accordance with a proper call of the chairman approved by his presiding officer as referred to above.

The payment of all compensation and travel under this resolution shall be paid from funds appropriated to the use of the Legislature; provided, however, that in no event shall any committee expend more than \$500.00 during any one interim period.

The House and Senate committees, with the consent of the chairman and the presiding officers of the House and Senate, may hold joint meetings to consider matters of common interest.

The Clerk of the House and the Secretary of the Senate shall provide clerical help as needed by the committees of their respective houses and the Legislative Reference Service shall provide such professional help as needed. In addition, the committees, with the prior approval of the presiding officer and the chairman of the committee, shall be authorized to employ additional help in specified area of inquiry when it is determined that neither the Clerk, the Secretary, nor the Legislative Reference Service can satisfy the need of the committee.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 135, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 355. DEVELOPING A PLAN FOR ESTABLISHING A CENTRAL COMPUTER REGISTRATION SYSTEM.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the House non-concurred in the Senate amendment to the resolution, H. J. R. 355, said Senate amendment being as follows, and requested a Committee on Conference.

Amend H. J. R. 355 by deleting the last paragraph.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 91. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY GRANTS RECEIVED BY THE VARIOUS STATE DEPARTMENTS AND AGENCIES.

WHEREAS the various agencies and departments of state government receive grants totalling millions of dollars each year; and

WHEREAS the legislature needs a committee to study the handling and utilization of such grants; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select interim committee to be composed of three members of the house and three members of the senate to be appointed by the presiding officer of each house. The members of the committee shall select from among their membership a chairman and a vice-chairman. The committee shall study all facets of grants of any kind whatsoever to state agencies and departments with particular attention as to the utilization and budgeting of such grants.

Upon the request of the chairman, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the tenth legislative day of the 1976 regular session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisitions signed by the committee's chairman.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The resolution, S. J. R. 91, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Reed, the House non-concurred in the Senate amendment to the bill, H. 1662, said Senate amendment being as follows:

Amend H. B. 1662 as follows:

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On Page 7, Section 12 change the semi-colon at the end of line 29 to a period and strike all of lines 30, 31, 32 and 33.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Greer, Hall, Harris, Higginbotham, Hill, Johnstone, Killian, Kinsey, Lewis, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Pegues, Porter, Robertson, Smith (B), Smith (C), Sonnier, Starkey, Trammell, Turnham, Waggoner, Warren, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Reed a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 1662.

And the Speaker of the House appointed as the Committee on Conference on the part of the House, Messrs. Reed, Holley and LeFlore.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Foshee:

S. 1060. To create the Scholarship and Loan Commission of Covington County for the purpose of providing loans and scholarships to persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1060. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Ellis, Vacca and Clemon:

S. 1252. To adopt minimum standard codes for all counties now or hereafter having more than 600,000 population according to the latest federal census; to provide for the revision of these codes; to allow local modification of these codes; to authorize county governing bodies to en-

force these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Also:

By Mr. Vacca:

S. 1249. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Also:

By Messrs. Noonan, Roberts and Perloff:

S. 1179. To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said Fund and to repeal all conflicting statutes.

Also:

By Mr. Waldrop:

S. 1237. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; levying a privilege license tax upon the sale, use or consumption, distributing, storing or withdrawing from storage, of malt or brewed beverages within such counties; providing for the collection and distribution of the proceeds of said tax; providing for the administration of the Act; providing penalties for violations of the Act; repealing conflicting laws, including municipal ordinances; providing that this Act be severable; and providing for the effective date hereof.

Also:

By Mr. Baker:

S. 1255. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Also:

By Mr. Little:

S. 1253. To authorize the governing body of any city having a population of not less than 22,000 nor more than 25,000 according to the most recent federal decennial census, to establish a parking authority as a public corporation for the purposes of financing, acquiring, constructing, enlarging, equipping, improving, maintaining, developing, and operating facilities for parking motor vehicles, and related facilities including offices for any such authority, and leasing or letting such buildings, structures or facilities; to authorize such authority to issue bonds of in indebtedness, enter into contracts, acquire and dispose of properties to provide that such bonds shall be negotiable instruments; to authorize such authority to exercise all powers, privileges and rights necessary to implement the provisions of this Act; to provide for the dissolution of the authority and the disposition of its property and to repeal all conflicting statutes.

Also:

By Mr. Owen:

S. 1254. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Boundary lines and corporate limits of the municipality of Citronelle in Mobile County are hereby altered, rearranged and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to-wit:

PROPERTY TO BE ANNEXED TO THE CITY OF CITRONELLE,
ALABAMA.

Beginning at the Northwest corner of Section 16, T-2-N, R3-W Mobile County, Alabama; thence eastwardly along the North line of Sections 16, 15, 14, and 13, T-2-N, R-3-W, and Sections 18, 17, and 16, T-2-N, R-2-W to a point; said point being the Northeast corner of Section 16, T-2-N, R-2-W; Thence Southwardly along the East line of Sections 16, 21, 28, and 33, T-2-N, R-2-W, and Sections 4, 9, and 16 T-1-N, R-2-W to a point, said point being the Southeast corner of Section 16, T-1-N, R-2-W; thence Westwardly along the South line of Sections 16, 17 and 18 T-1-N, R-2-W and Sections 13, 14, and 15 T-1-N, R-3-W to a point, said point being the Southwest corner of Section 15, T-1-N, R3-W; thence Northwardly along the West line of Section 15, T-1-N, R-3-W to a point, said point being the Northwest corner of Section 15, T-1-N, R-3-W; thence Westwardly along the South line of Sections 9, 8 and 7, T-1-N, R-3-W to a point, said point being the Southwest corner of Section 7, T-1-N, R-3-W; thence Northwardly along the West line of said Section to a point; said point being the Northwest corner of said Section 7; thence Eastwardly along the North line of said Section 7, to a point; said point being the

Northeast corner of said Section 7, and the Southwest corner of Section 5, T-1-N, R-3-W; thence Northwardly along the West line of said Section 5 to a point, said point being the Northwest corner of said Section 5; thence Eastwardly along the North line of said Section 5, to a point, said point being the Northeast corner of said Section 5 and the Southwest corner of Section 32, T-2-N, R-3-W; thence Northwardly along the West line of Sections 33, 28, 21 and 16, T-2-N, R-3-W to the point of beginning, all being located in Mobile County, Alabama. Excepting therefrom the present city limits of the City of Citronelle, Alabama and the property of Georgia Pacific Mill located in Section 25, T-2-N, R-3-W Mobile County, Alabama, said exception being more particularly described as follows:

CITY OF CITRONELLE, ALABAMA.

The South one-half of Section 25, T-2-N, R-3-W. The East one-half of Southeast quarter of Section 26, T-2-N, R-3-W. The East one-half of the East one-half of Section 35, T-2-N, R-3-W. All of Section 36, T-2-N, R-3-W. The Northeast one quarter of the Northeast one quarter of Section 2, T-1-N, R-3-W. The North one-half of the Northwest one quarter of Section 1, T-1-N, R-3-W. The East one-half of Section 1, T-1-N, R-3-W. The East one-half of Southwest quarter of Section 1, T-1-N, R-3-W. The Southeast one quarter of the Northwest one quarter of Section 1, T-1-N, R-3-W. The West one-half of Section 31, T-2-N, R-2-W. The West one-half of Section 6, T-1-N, R-2-W.

GEORGIA PACIFIC MILL.

Commencing at the Northeast corner of the Northwest quarter of the Northwest quarter of Section 25, T-2-N, R-3-W, Mobile County, Alabama; thence S 89° 43' 00" E a distance of 459.85 feet to a point on the East right of way of the I. C. G. Railroad, for the point of beginning of the property herein described; thence continue S 89° 43' 00" E a distance of 168.0 feet to a point; thence S 01° 01' W a distance of 858.92 feet to a point; thence East a distance of 1122.85 feet to a point on the West right of way of Odom Road; thence Southwesterly along the arc of a curve to the left with a radius of 13525 feet, a distance of 484.45 feet to the P. T. thereof; thence S 02° 15' 30" W a distance of 801.87 feet to the P. C. of a curve to the left with a radius of 1905.20 feet; thence Southeasterly along the arc of said curve a distance of 517.73 feet to a point on the South line of the Northeast quarter of said Section 25; thence West a distance of 439.0 feet to the East right of way of the I. C. G. Railroad; thence N 32° 57' W along said East right of way a distance of 1068.34 feet to the P. T. of a curve to the right; thence Northwesterly along said East right of way a distance of 1868 feet, plus or minus, to the point of beginning. Containing 43.76 acres.

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Joyce Butt being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 8, 15, 22, 29.

JOYCE BUTT.

Sworn to and subscribed before me this 18 day of Sept. 1975.

GARY L. RICHARDSON,
Notary Public.

Also:

By Mr. St. John:

S. 1242. Relating to Cullman County: providing further for the government of the county; abolishing the county commission created by Act No. 167, H. 422 of the Regular Session of 1959, and creating a new commission in lieu thereof; providing for the selection of the members of such commission; prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission hereby created, and for the powers and duties of the individual members thereof; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in Cullman County, heretofore transferred to it, and revesting such functions in the county governing body of Cullman County, providing, however, for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the commission hereby created; providing for the payment of salaries of certain county employees; providing that this Act shall become effective only upon a referendum at which two questions shall be submitted: 1. Shall Cullman County take over the construction of its own roads and bridges? and 2. Shall the present governing body of Cullman County be abolished and a new governing body be created as prescribed in this Act?

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF CULLMAN

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Cullman County: providing further for the government of the county; abolishing the county commission created by Act No. 167, H. 422 of the Regular Session of 1959, and creating a new commission in lieu thereof; providing for the selection of the members of such commission; prescribing their qualifications, terms, and compensation; providing for the organization and jurisdiction of the commission hereby created, and for the powers and duties of the individual members thereof; providing for and regulating county purchasing and the custody and use of certain county property; divesting the highway department of certain county functions and duties in relation to roads and bridges in Cullman County, heretofore transferred to it, and revesting such functions in the county governing body of Cullman County, providing, however, for the construction, maintenance and repair of county roads on the unit basis; providing for the transfer of certain funds, equipment, material and personnel from the state highway department to the commission hereby created; providing for the payment of salaries of certain county employees; providing that this Act shall become effective only upon a referendum at which two questions shall be submitted: 1. Shall Cullman County take over the construction of its own roads and

bridges? and 2. Shall the present governing body of Cullman County be abolished and a new governing body be created as prescribed in this Act?

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this Act shall become operative only if approved by a majority of the electors of Cullman County as herein-after provided voting in a referendum, which shall be held on the date of the first state-wide election held after adjournment of the 1975 Regular Session of the legislature for the purpose of voting on amendments to the Constitution. The governing body of Cullman County shall order and provide for the holding of the referendum on such date, and for canvassing the results thereof. On the ballot to be used at the election two questions shall be stated. Question No. 1 shall be substantially as follows: "Do you favor having the county commission or like governing body of Cullman County exercise jurisdiction over the construction, repair and maintenance of county roads and bridges instead of the State Highway Department? Yes () No ()." Question No. 2 shall be stated substantially as follows: "Do you favor abolishing the present governing body of Cullman County and creating in lieu thereof a governing body as prescribed in this Act (Act No. _____, S. _____ of the Regular Session of the Legislature of 1975)? Yes () No (). If a majority of the votes cast at the election on question No. 1 are "Yes," the provisions of Sections 1 through 20 and Sections 38 and 39 become effective on the first Tuesday after the second Monday in January, 1977. If a majority on question No. 1 are "No," this Act shall have no further force and effect. If a majority of the votes cast on question No. 2 are "Yes," and a majority of the votes on question No. 1 were "Yes," then this entire Act shall become effective on the first Tuesday after the second Monday in January, 1977. If the majority of the votes on question No. 1 were "Yes," and the majority of the votes on question No. 2 were "No," then Sections 21 through 37 of this Act shall have no further force or effect and the remainder of the Act shall become effective. The result of the election shall be certified to the Secretary of State and to the State Highway Director within ten days.

Section 2. The Cullman county commission or like governing body of Cullman County shall be solely responsible for the construction, repair and maintenance of the roads and bridges in the county; but all such construction, repair and maintenance shall be done on the basis of the county as a unit, without regard to district or quadrant lines, and under the supervision of an engineer or other qualified road supervisor. The county governing body shall have all the powers and jurisdiction with respect to county roads and bridges which are or which hereafter may be vested in or required of county governing bodies by the general laws of this state, or vested in or required of the governing body of Cullman County by local law; and except as may be otherwise provided herein members of the county governing body of Cullman County shall perform all the duties and services and shall exercise all the powers and authority, with respect to the construction, repair and maintenance of county roads and bridges which are or hereafter may be provided by law for members of county governing bodies.

Section 3. Any unexpended monies remaining in the fund required by law to be maintained by the state highway department for use in the construction repair and maintenance of county roads and bridges in Cullman County shall be paid over to the county governing body of Cullman County except as otherwise provided by this Act. Thereafter, all funds and monies designated by law for use in the construction, repair and maintenance of county roads and bridges in Cullman County to which Cullman County may be entitled, whether from the proceeds of

the state gasoline tax, the motor vehicle license tax, or other state tax, or any federal aid accruals, or from any other source whatsoever, shall be paid to the county governing body of Cullman County by the appropriate county or state official.

Section 4. The state highway department shall transfer and turn over to the governing body of Cullman County road equipment, machinery and supplies of like kind and equal in value to the road equipment, machinery and supplies which Cullman County was required to transfer and turn over to the state highway department in accordance with legislation enactment prior to the adoption of this Act, which legislation required the state highway department to construct, repair and maintain roads and bridges in Cullman County.

Section 5. All persons employed by the state highway department in the construction, repair and maintenance of county roads and bridges in Cullman County, upon adoption of this Act shall cease to be employees of the state highway department, shall no longer be subject to the state merit system law, and shall continue to be employed by the county in the construction, repair and maintenance of county roads and bridges in the county, subject to approval of the county governing body.

Section 6. Any contract for the construction, repair or maintenance of county roads and bridges in Cullman County entered into by the state highway department prior to the adoption of this Act shall remain in full force and effect until the returns thereof shall have been complied with.

Section 7. All outstanding financial obligations which were incurred prior to the adoption of this Act for the construction, repair, or maintenance of county roads and bridges in Cullman County, shall, upon adoption of this Act, become outstanding financial obligations of Cullman County, and shall be retired or paid in accordance with the terms under which such indebtedness was incurred.

Section 8. The Cullman County governing body shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications specified for county engineers under the general laws of the State of Alabama; and such engineer shall devote his entire time and attention to the maintenance and construction of the Cullman County public roads, highways, bridges and ferries, and he shall, during his employment, reside in Cullman County, Alabama.

Section 9. The county engineer shall be appointed by the county governing body from a nomination made by the state highway director. If a nomination is not acceptable to the county governing body the state highway director shall be requested to make additional nominations. Should the state highway director refuse or fail to make nominations, the Cullman County governing body may fill the position of county engineer with any person who has the qualifications herein set out.

Section 10. It shall be duty of the county engineer: (1) To employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways, bridges and ferries of Cullman County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying services as may be required, and to repair and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct any roads, or change old roads, but only when ordered to do so by proper order of the Cullman governing body; (5) it shall be his further duty, in so far as it is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district, quadrant or beat line.

Section 11. The county engineer is hereby designated as the person authorized to make written requisitions upon the county governing body of Cullman County or its duly designated purchasing agent for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads, bridges and ferries in Cullman County.

Section 12. It shall be the duty of the Cullman County governing body to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, bridges and ferries and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistance. Provided, however, that should the county governing body of Cullman County refuse or fail to fix said scale of wages or salaries, the engineer shall request the state highway director to fix the same, and the wages or salaries so fixed by the state highway director shall not be exceeded in the employment of labor and assistance.

Section 13. The Cullman County governing body shall fix the amount of salary of the county engineer, payable in equal monthly installments from the road and highway funds of Cullman County.

Section 14. Before entering upon his duties the Cullman County engineer shall make and enter into a surety bond in the amount of five thousand (\$5,000.00) payable to Cullman County, conditioned for the faithful discharge and performance of his duties as such engineer, and for the faithful accounting of all monies or property of the county, which may come into his possession or custody. The bond shall be executed by a surety company authorized and qualified to do business in Alabama, and shall be approved by the chairman of the Cullman County governing body. The premiums on the bonds shall be paid by the county.

Section 15. The Cullman County governing body shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 16. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Cullman County; and he shall be accountable for the same, at all times. The Cullman County governing body shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on file in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Cullman County.

Section 17. The authority of the county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repair of public roads, bridges, and ferries of Cullman County as may be set aside and appropriated by the county governing body, as hereinafter provided. It shall also be the duty of the county governing body at some meeting in September of each calendar year, not later than the first meeting in October following, by order or resolution spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads, bridges and ferries of Cullman County for the current fiscal year, beginning on October 1, which said amount, other than the salary of the county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads, bridges and ferries in Cullman County during said period. The county governing body, however, is authorized from time to time within such period to increase the amount so allowed to be expended by the county engineer during the period, when such authorization will not conflict

with provisions of the general law under the Budget Act, Title 12, Section 74 of the Code of Alabama 1940, and provided, further that if such funds are presently available, and have not heretofore been set aside by the highway department or by the present county commission of Cullman County, immediately upon the effective date of this Act, it shall be the duty of the county governing body to set aside a sufficient portion of said funds for the maintenance of said roads, bridges and ferries until the meeting in September or October, 1977, as hereinabove provide for.

Section 18. The county engineer shall make written requisitions to the chairman of the county governing body for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance and repair of the public roads, bridges and ferries of Cullman County. Said requisition shall be filed and presented to the chairman of the county governing body at its next meeting for the approval of the governing body. Provided, however, that the chairman shall have full power and authority to make purchases without first obtaining the approval of the whole commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 19. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment, and supplies purchased by Cullman County for use on public roads, bridges and ferries, when the same is delivered, and the same shall not be accepted and paid for without first having been approved by him.

Section 20. In the event an emergency should arise, in which it would be impossible for the Cullman County governing body to employ an engineer, as hereinabove provided for, then, in that event, the county governing body shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this Act; but an emergency shall not exist so long as the state highway director shall not exist so long as the state highway director can nominate an engineer who would accept employment by the governing body of Cullman County under the terms of this Act, it being the intention of this Act to provide that when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or a road supervisor, who is not a member of the county governing body.

Section 21. There is hereby created and established as of the first Monday after the second Tuesday in January 1977 in and for the County of Cullman, in the State of Alabama, a new county governing body, hereinafter referred to as the commission, which commission shall have and exercise all the powers, duties, limitations, and responsibilities, and in the same manner, as prescribed in the general law of Alabama, now in effect or hereinafter enacted, governing county governing bodies. The members of such commission shall be charged with the same duties and responsibilities and shall be subject to the same penalties as members of county commissions under the general law, but only insofar as they are consistent with the provisions of this Act.

Section 22. The commission herein created shall be known as "The Cullman County Commission," and it shall take the place of the present Cullman County commission which was established by Act No. 167, H. 422 of the 1959 Regular Session of the legislature (Acts of 1959, p. 690) as the board of revenue of said county and its named changed by general law. Such governing body shall cease to exist upon the enactment of this Act and is hereby abolished.

Section 23. The commission herein created shall consist of a chairman and four associate members who shall each and severally be chosen and possess the qualifications hereinafter set out.

Section 24. The chairman of the commission shall qualify and assume his duties hereunder on the first Monday after the second Tuesday in January 1977 and he shall receive for his services, payable out of the county treasury the sum of eighteen thousand dollars per year, in monthly installments. The chairman of the commission herein created shall have and exercise all the powers, duties, limitations and responsibilities with relation to the commission herein created as does the judge of probate with relation to county commission under the general laws of this state, except insofar as such powers, duties, limitations and responsibilities may be inconsistent with the provisions of this Act. The chairman of the Cullman County commission serving when this Act becomes effective shall be the first chairman of the commission hereby created and shall serve as such for the remainder of the term for which he has been elected.

Section 25. The associate members of the commission herein created from the northeast quadrant of the county and from the southeast quadrant of the county, as hereinafter defined, shall be R. T. ("Pete") Bailey and Dane Estes, respectively, who shall each qualify and assume their respective duties hereunder on the first Monday after the second Tuesday in January 1977 and they shall serve out the remainder of the terms for which they were elected and until their successors are elected and qualified. The associate members from the northwest quadrant of the county and from the southwest quadrant of the county as hereinafter defined, shall each be elected at the general election in 1976 and shall assume the duties of their office on the first Monday after the second Tuesday in January 1977.

Section 26. The several associate members of the commission herein created shall receive as compensation for their services the sum of nine thousand dollars per year, each, payable in monthly installments, and payable out of the treasury of Cullman County.

Section 27. For the purposes of this Act, and for future elections of associate members of the commission. Cullman County is hereby divided into four quadrants, to be known as the northeast quadrant, the southeast quadrant, the northwest quadrant and the southwest quadrant. Northeast quadrant shall be composed of all that area of Cullman County lying east of U. S. Highway 31 and north of U. S. Highway 278. Southeast quadrant shall consist of all that area lying south of U. S. Highway 278 and east of U. S. Highway 31 to its intersection with state road 69 and east of state road 69 to its intersection with county road 22, then south of county road 22 between state highway 69 and interstate 65, then all that area south of said county road 22 and east of interstate 65. The northwest quadrant shall consist of all that part of Cullman County lying west of U. S. 31 to its intersection with state highway 69 and west of said highway 69 to its intersection with county highway 22 and north of highway 22. The southwest quadrant shall consist of all that part of Cullman County lying south of county highway 22 and west of interstate highway 65.

Section 28. At the general election immediately prior to the expiration date of the term of each of the associate members as they are hereinabove named, and as is hereinabove provided and every four years thereafter, their successors shall be elected by the qualified voters of the entire county, and the term of office of each associate member so elected shall be for four years beginning on the first Monday after the second Tuesday in January following his election, and until his successor has been elected and qualified.

Section 29. Each associate member of the commission shall be nominated and elected by the voters of the entire county. Each associate member shall, however, be a resident and qualified voter of the quadrant for which he is elected, and shall reside in said quadrant continuously during the term of his office.

Section 30. Each quadrant shall be entitled to one associate member on said board, at all times, and should any vacancy occur, such vacancy shall be filled by appointment of the Governor, and the person so appointed shall hold office for the remainder of the term of the place which is vacant.

Section 31. Each member of the commission herein created shall, before entering upon the duties of his office, execute a good and sufficient bond, in the same amount, with the same conditions, which must be approved in the same manner, and must qualify in the same manner in all respects, except insofar as the same may be inconsistent with the provisions of this Act, as is provided under the general laws of the State of Alabama for members of county commissions.

Section 32. The commission herein created shall hold regular meetings on the second and fourth Mondays in each month, at the courthouse in and for Cullman County, Alabama, remaining in session as many days as may be necessary; and may hold special meetings at the call of the chairman.

Section 33. Action in the name of and under the authority of the commission may be taken by a majority of said commission, present and voting at any regular or special meeting, provided, at least a quorum is in attendance. A quorum shall consist of a chairman and two other members, or three members other than the chairman.

Section 34. The commission shall employ a clerk, who shall devote his entire time to the duties of his office, and he shall receive such compensation for his services as may be determined and fixed by the commission, and the commission may employ such other clerical help and assistance as may be deemed necessary for the proper, efficient, and economical operation of the office of said commission. The clerk shall enter the minutes of all proceedings of the commission in a well bound book provided him for that purpose, which book shall be kept in the office of the commission, and shall be open to the inspection of the public at all reasonable hours. The minutes of the proceedings of the commission shall be entered and recorded in the minute book within five days from the adjournment of every regular or special meeting. The clerk shall present to the commission at each regular meeting a list of all claims which have been filed against the county. He shall, also, keep a complete record of all receipts and disbursements of all county funds, and must be prepared at all times to show the exact financial condition of the county.

Section 35. It shall be the further duty of each associate member of the commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the commission with his recommendation; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-way, and assist in public relations generally.

Section 36. The commission shall have the power, and it hereby authorized to appropriate, out of any monies in the county treasury, not otherwise appropriated, and to expend not exceeding the sum of two thousand dollars per annum for any purposes, not otherwise provided

for by law, which in their judgment are worthy and for the best interest of the county, the fund hereby authorized shall be known as the "contingent fund." Provided, however, that the expenditures herein provided for shall first be authorized by the commission and spread upon the minutes; and, provided further, that not more than two thousand dollars shall be appropriated and expended in any one year, under this section, and should any sum or sums remain unexpended in said fund at the end of the year, only so much shall be appropriated for the next succeeding year as will, together with the sum so remaining unexpended, bring the contingent fund up to the sum of two thousand dollars.

Section 37. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed and Act No. 167, H. 422 of the Regular Session of 1959 (Acts 1959, p. 698) which created and established the present county commission of Cullman County, together with all amendments thereto, is hereby expressly repealed.

Section 38. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 39. Substantive provisions of this Act shall become effective as provided in Section 1 hereof, however the provisions of this Act authorizing the calling of the referendum and providing therefor shall become effective immediately upon the Act's becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF CULLMAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared Marc Miller, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cullman Tribune, a newspaper of general circulation published in Cullman County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 28, Sept. 4, Sept. 11, and Sept. 18, all in the year 1975.

MARC MILLER,
Publisher.

Sworn to and subscribed before me Sept. 18, 1975.

CHARLOTTE MILLER,
Notary Public.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1252. Local Legislation No. 2.
- S. 1249. Local Legislation No. 2.
- S. 1179. Local Legislation No. 3.
- S. 1237. Local Legislation No. 1.
- S. 1255. Local Legislation No. 1.

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- S. 1253. Local Legislation No. 1.
- S. 1254. Local Legislation No. 3.
- S. 1242. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 995. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

Also:

H. 1149. Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners.

Also:

H. 1162. To further amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

Also:

H. 1164. To further amend Act 751, S. 599, P. 1606, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

Also:

H. 1200. To amend Sections 3 of Act No. 2137 (H. 2624), approved October 1, 1971, entitled: "An Act relating to counties having a population of not less than 170,000 nor more than 300,000, according to the 1970 or any subsequent Federal Decennial Census; authorizing public hospital corporations organized under the laws of the State of Alabama heretofore or hereafter enacted, with the consent of the governing bodies of said counties and of the largest municipality within said counties to operate a service for the purpose of providing emergency aid, treatment, and emergency transportation for hire to the sick and injured within the counties; providing that such services as are established under the provisions of this act shall be managed, regulated, and controlled by said public hospital corporations; providing that said services may be provided by contract with public or private agencies; authorizing the setting

of rates for said services; authorizing the county governing bodies within said population class, and the governing bodies of each municipality within said counties to operate all or any portion of any such service under contract with any such public hospital corporation establishing such service; providing that neither a public hospital corporation as herein described, or any licensee or contractor of said hospital corporation shall use the streets, avenues, alleys or public places of any city or town as contemplated by Section 230 of the Constitution of Alabama, without first obtaining the consent of the proper authorities of such city or town; and repealing all laws or parts of laws in conflict therewith."

Also:

H. 1201. To provide that when any physician, dentist, nurse, member of any organized rescue squad, or member of any police or fire department in any county of a population of 170,000 to 300,000, or in any city or town located in any county of a population of 170,000 to 300,000; any Alabama-licensed emergency medical technician, medical student, intern or resident practicing in a hospital in any county of a population of 170,000 to 300,000, with a training program approved by the American Medical Association; any employee of any public hospital corporation authorized to operate and operating an emergency ambulance service under the provisions of Act 2137, 1971 Legislature of Alabama, as amended; or any owner or employee of any licensee, franchisee, or contractor of any public hospital corporation in any county of a population of 170,000 to 300,000 gratuitously and in good faith renders first aid or emergency care to persons injured, or gives advice to anyone rendering aid or emergency care to persons injured, he shall not be liable for civil damages as a result of the acts or omissions resulting from said emergency care.

Also:

H. 1264. Relating to Madison County; to amend Act No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

Also:

H. 1279. To authorize the County Commission of Mobile County to make appropriations for the support and operation of a nonprofit organization to provide services to and for the benefit of the citizens of Mobile County.

Also:

H. 1299. To amend Act 618 of the Regular Session of 1973 to provide further concerning the power of the council.

Also:

H. 1301. To amend Act 618 of the Regular Session of 1973 to provide further concerning the powers and duties of the mayor.

Also:

H. 1382. Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office.

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Also:

H. 1532. Relating to all counties having a populations of 10,660 inhabitants or less according to the most recent federal decennial census to authorize the county commission to design, accept designs, and adopt an official county flag; to expend funds necessary for the making and designing an official flag of said county.

Also:

H. 1533. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide a clerical assistant to the tax collector.

Also:

H. 1535. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the county commission.

Also:

H. 1536. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional clerk hire allowance for the tax assessor.

Also:

H. 1563. To extend, alter and rearrange the boundaries and corporate limits of the Town of Killen so as to annex certain adjacent territory to the Town of Killen.

Also:

H. 1580. Relating to Cullman County; to provide that the sheriff's department shall be authorized to employ an additional investigator and two additional deputies; to provide for their compensation and to provide an additional squad car for the sheriff's office.

Also:

H. 1581. Relating to Cullman County; to reimburse the office of the tax collector for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Also:

H. 1597. To provide that the Madison County Commission may employ a legislative aide to assist the Madison County Delegation to the Legislature of the State.

Also:

H. 1619. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Mr. Owens:

H. J. R. 397. CREATING THE CAHABA RIVER COMMISSION.

WHEREAS the Cahaba River is one of the most historic and beautiful rivers in the State of Alabama; and

WHEREAS there is need for the creation of a Cahaba River Commission; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a commission to be known as the Cahaba River Commission to consist of ten members.

There is hereby created a commission to be known as the Cahaba River Commission to consist of ten (10) members. Two (2) such members shall be residents of each of the following counties: Jefferson, Shelby, Bibb, Perry and Dallas. All members are to be appointed by the Governor for a term of six (6) years; however, of the first members appointed one shall be appointed from Jefferson County and one appointed from Bibb County shall be for a term of five (5) years; one appointed from Shelby County and one appointed from Perry County shall be for four (4) years, one appointed from Bibb County and one appointed from Dallas shall be for three (3) years, one appointed from Perry County and one appointed from Jefferson County shall be for two (2) years, and one appointed from Dallas County and one from Shelby County shall be for one (1) year. All subsequent appointments to fill vacancies caused by the expiration of the term shall be for six (6) years. A chairman of the commission shall be elected by the members making up such commission.

The Cahaba River Commission shall have authority to make recommendations and conduct studies pertaining to the environmental impact of any actions or activities on the river.

The members of the Cahaba River Commission shall not receive any compensation or reimbursement for any expenses incurred by such members.

The Cahaba River Commission shall report their activities and recommendations to the Alabama Legislature from time to time.

On motion of Mr. Owens, the rules were suspended and the resolution, H. J. R. 397, was adopted.

MOTION TO RECESS

Mr. Jackson (R), offered the motion that the House recess for ten minutes.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Jackson (R) that the House recess for five minutes was lost.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

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H. 1627. To amend Act No. 716, H. 1486, 1973 Regular Session (Acts of 1973, p. 1071), entitled, "An Act Relating to the twenty-seventh judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for an additional secretarial assistant for the office of district attorney of said judicial circuit," so as to provide for an additional secretarial assistant and to effect changes in the salary of the investigator and the assistants.

Also:

H. 1636. To alter or rearrange the boundary lines of the Town of Lowndesboro, Lowndes County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndesboro, Alabama.

Also:

H. 1667. Relating to the coroner's office in all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Also:

H. 1668. To provide for branch banking in Winston County.

Also:

H. 1673. Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws.

Also:

H. 1671. Relating to the Fifteenth Judicial Circuit of Montgomery County, to provide additional compensation or salary for the official court reporters; providing for the payment thereof from the county general fund and providing for a fee as part of cost for reporting a case.

Also:

H. 1674. Relating to Monroe County; to authorize the Sheriff to mail subpoenas for jury duty and notices of appointment to election officials with first class postage and to authorize the county commission to make expenditures from the county general fund for such purpose.

Also:

H. 1675. Relating to law enforcement in Monroe County; fixing the fee for the issuance of pistol permits; and prescribing the use of such fees.

Also:

H. 1676. Relating to Monroe County; to provide for the mailing addresses of the grantors and grantees, on all conveyances of real property; to become effective six months from the date this act becomes law.

Also:

H. 1677. Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax

assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws.

Also:

H. 1678. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Walnut Grove, in Etowah County.

Also:

H. 1680. Relating to Blount County; to provide the county commissioners power to authorize county personnel to open graves for internment, repair and maintain existing roads, build roads, and other labor related thereto, in all private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by: any church or religious society or denomination, religious corporation, church, or corporation sole.

Also:

H. 1681. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Snead, in Blount County.

Also:

H. 1683. To authorize and direct the Board of Education of Dale County to determine and fix the annual salary to be paid the Superintendent of Education, commencing at the beginning of the next term of office.

Also:

H. 1687. Relating to Henry County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of such county.

Also:

H. 1722. Relating to cities having a population of not less than 9,200 nor more than 9,400 inhabitants according to the most recent federal decennial census; to provide retirement allowances for elected officials in such cities and to provide for the payment of such allowances.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. McCluskey to suspend the rules in order to bring up out of order the bill, H. 1271, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCluskey, the rules were suspended in order to bring up out of order the bill, H. 1698.

And the bill:

H. 1698. (With Substitute): To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama institute for deaf and blind.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Education, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama Institute for Deaf and Blind.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of trustees of the Alabama Institute for Deaf and Blind is hereby authorized to provide for the education and training of the deaf, the hearing impaired, the blind, and the visually handicapped in residential programs at any location within the state, with no limitations on the age of participants and no time limit on any participant.

Section 2. The board of trustees of the Alabama Institute for Deaf and Blind is hereby authorized to cooperate with any local school board or group of school boards, with the state board of education, and with any other state agencies in providing education and training and necessary supportive services to persons having disabilities under the scope of this Act.

Section 3. Local school boards, the state board of education, and all other state agencies are hereby authorized to cooperate, in their discretion, with the board of trustees of the Alabama Institute for Deaf and Blind in providing education and training and necessary supportive services to persons having disabilities under the scope of this Act.

Section 4. Nothing herein shall abrogate the responsibility of any local school board or of the state board of education under the "Alabama Exceptional Child Education Act".

Section 5. The Alabama Institute for Deaf and Blind is hereby designated as the official state agency to conduct the state educational and training programs for the deaf, the hearing impaired, the blind, and the visually handicapped within the scope of this Act, or within the scope of its other present legal authority.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. The provisions of this Act are cumulative, and the authority vested in the board of trustees of the Alabama Institute for Deaf and Blind herein shall be in addition to any other authority vested in it by law.

Section 8. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 68; Nays 0.

Yeas:

Messrs.: Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnstone Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNeas, Manley, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Teague, Turnham, Venable, Warren, Williams and Wyatt.

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And the bill:

H. 1698. To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama Institute for Deaf and Blind.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—77

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lee, the rules were suspended in order to bring up out of order the bill, H. 645.

And the bill:

H. 645. To provide a system of permanent voter reidentification which shall have uniform statewide application; to require each voter who presents himself to vote in a general election to check a card, furnished by the county board of registrars to the election officials and verify or correct his address on such card; to require the registrars to record the fact that a voter presents himself to vote at a general election and whenever a qualified voter fails to present himself for three consecutive general elections, to suspend such voter's registration; to provide for the restoration after its suspension, of a voter's name to the list of registered voters; to amend Code of Alabama 1940, Title 17, Section 36, to conform to this act; and to repeal all laws, general, local or special providing for a different manner of voter re-identification or in anywise conflicting herewith, including specifically certain acts enumerated in this Act.

Was taken up.

Mr. Lee offered the following substitute to the bill:

A BILL
TO BE ENTITLED
AN ACT

To provide a system of permanent voter re-identification which shall have uniform statewide application; to require the registrars to record the fact that a voter presents himself to vote at each election and whenever a qualified voter fails to present himself at any election during a four year period, to suspend such voter's registration; to provide for the restoration after its suspension, of a voter's name to the list of registered voters; to amend Code of Alabama 1940, Title 17, Section 36, to conform to this act; and to repeal all laws general, local or special providing for a different manner of voter re-identification or in anywise conflicting herewith, including specifically certain acts enumerated in this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Short Title.

This act may be cited as the "Permanent Re-identification Act."

Section 2. (a) Purpose.

(1) The purpose of this act is to provide a method of keeping the registration list current.

(2) The procedures established by this act shall be executed by the board of registrars of each county by any method, manual, mechanical, or electronic, which accomplishes the purpose of this act consistent with other laws relative to the making, signing and keeping of poll lists.

(b) Method of obtaining voter information. At the end of the contest period after each election, the officials charged with custody of records of the election shall remove from such records and turn over to the board of registrars the list of qualified voters furnished each polling place and marked to show who actually votes and the copies of challenged oaths from such records. The board of registrars shall also obtain a copy of the list of persons who voted an absentee ballot at each election and the list of those voters requesting absentee ballots.

(c) Record of voter participation. The registrars shall establish a method of recording whether each registered voter in the county has voted or failed to vote in any election held after the effective date of this act. After the general election of 1980 and each general election thereafter the boards of registrars of each county shall suspend the registration of those registered voters who have failed to vote in at least one election, for which they were registered, held during the preceding four (4) years, after notice is given as provided in subsection (d), hereof if the voter does not reidentify himself in accord with subsection (e) hereof. A record of this revocation shall be entered in books provided for in Code of Alabama 1940, Title 17, Section 49.

(d) Notice to voters being removed from rolls.

(1) The board shall make a diligent effort to give notice to each voter whose registration is to be suspended by any procedure which is reasonably designed to give personal notice to the voter.

(2) The name of each voter who cannot be located at the address given in the records of the board shall be published in a newspaper of general circulation within the county with notice that the registration

of each of these voters will be suspended unless the person reidentifies himself in accordance with section (e) of this act.

(e) Re-identification procedure. Any voter notified of the suspension of his registration may within 40 days after such notice reidentify himself by one of the following methods.

(1) The voter may appear in person before the board of registrars or any person authorized to act instead of the board and give the notice of his current residence.

(2) Any person who would be eligible to register by mail or any person who is confined because of a physical disability may give notice of his current address by mailing to the board a verified statement of his current address.

Section 3. Re-registration not required; restoration of name to voter list. Code of Alabama 1940, Title 17, Section 36, is hereby amended to read as follows:

"Section 36. Persons not required to register. No person heretofore registered and no person hereafter registered shall again be required to register unless he or she changes the county of his or her residence; however, if his or her registration has been suspended for failure to vote during a four year period, as provided by law. He may be required to reidentify himself in order to have his name restored to the list of qualified voters."

Section 4. Hearing before suspension of registration.

Before the registration of any voter is suspended in pursuance to Section 2 (c) of this act, a hearing shall be held in the manner provided for in Code of Alabama 1940, Title 17, Sections 46, 47, and 48.

Section 5. Repeal and declaration of intent to provide for uniform statewide application.

(1) This act shall have statewide application and shall govern the suspension of names from the voter lists for failure to vote and the restoration of names thereafter to such lists throughout the state. It provides for an orderly transition from the former system of re-identification pursuant to local laws or general laws of local application, therefore, the Legislature declares that any general act or act of limited application requiring re-identification of voters passed before the effective date of this act shall be in conflict with this general act and is hereby repealed and superseded by this act.

All acts which require re-identification of voters which were passed prior to the effective date of this act shall, however, remain in effect until the completion of such re-identification.

(2) Except as herein above provided all laws or parts of laws, general, local or special in conflict herewith are repealed; and the following acts are expressly repealed:

Act No. 554, Regular Session of 1949 (p. 861);
Act No. 386, Regular Session of 1963 (p. 457);
Act No. 19, Regular Session of 1955 (p. 127);
Act No. 169, Regular Session of 1955 (p. 433);
Act No. 501, Regular Session of 1955 (p. 1146);
Act No. 47, First Special Session of 1956 (p. 75);
Act No. 85, Second Special Session of 1956 (p. 377);

Act No. 157, Regular Session of 1957 (p. 202);

Act No. 12, Regular Session 1959 (p. 417) and all acts amendatory thereof, including Act No. 44, Regular Session 1965 (p. 62);

Act No. 153, Regular Session of 1959 (p. 673);

Act No. 207, Regular Session of 1959 (p. 741);

Act No. 233, Regular Session of 1959 (p. 778);

Act No. 307, Regular Session of 1959 (p. 879);

Act No. 316, Regular Session of 1959 (p. 894);

Act No. 440, Regular Session of 1959 (p. 1128);

Act No. 530, Regular Session of 1959 (p. 417);

Act No. 552, Regular Session of 1959 (p. 1359);

Act No. 126, Special Session of 1962 (p. 165);

Act No. 209, Regular Session of 1963 (p. 606), and all acts amendatory thereof, including Act No. 876, Regular Session of 1965 (p. 1642);

Act No. 344, Regular Session of 1963 (p. 834);

Act No. 257, First Special Session of 1964 (p. 353);

Act No. 725, Regular Session of 1965 (p. 1328);

(3) This act shall not affect the power of any board of registrars to purge the registration lists of persons who have died, moved out of the county, been convicted of a felony, or otherwise become ineligible to vote.

Section 6. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. Effective Date. This act shall become effective on the twentieth day after adjournment of the Legislative session in which this act is passed, upon its approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. Lee, the motion offered by Mr. Reed to temporarily carry over the bill, H. 645 with pending amendment, was tabled.

Yeas 41; Nays 11.

Yeas:

Messrs.: Brindley, Callahan, Campbell, Carothers, Cates, Clark, Crawford, Cross, Falkenburg, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kinsey, Lee, Leonard, Lutz, McMillan, McNees, Manley, Martin, Naramore, Pegues, Porter, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Taylor and Williams.

—41

Nays:

Messrs.: Albright, Cooper, Drake, Johnstone, Kennedy, LeFlore, Lewis, McCulley, Malone, Sonnier and Tucker.

—11

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the substitute offered by Mr. Lee to the bill, H. 645, and the substitute was adopted.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Pegues, Porter, Quarles, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, White and Williams.

—66

Nay: Mr. Johnstone.

—1

And the bill:

H. 645. To provide a system of permanent voter re-identification which shall have uniform statewide application; to require the registrars to record the fact that a voter presents himself to vote at each election and whenever a qualified voter fails to present himself at any election during a four year period, to suspend such voter's registration; to provide for the restoration after its suspension, of a voter's name to the list of registered voters; to amend Code of Alabama 1940, Title 17, Section 36, to conform to this act; and to repeal all laws general, local or special providing for a different manner of voter re-identification or in anywise conflicting herewith, including specifically certain acts enumerated in this act.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 64; Nays 5.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Johnson, Jolly, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Naramore, Owens, Pegues, Porter, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, White and Williams.

—64

Nays:

Messrs.: Drake, Johnstone, Kennedy, Malone and Riddick.

—5

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1736. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

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Also:

H. 1741. Amending Section 1 of Act No. 567, H. 1518 of the Regular Session of 1973 (Acts 1973, page, 824) entitled An Act Relating to all counties having a population of not less than 26,725 nor more than 27,250; regulating the fees applicable to certain services rendered by the circuit court in equity of said counties, so as to increase the fees and charges set out therein.

Also:

H. 1747. To extend the boundaries of the City of Albertville in Marshall County.

Also:

H. 1748. To authorize the Board of Education of the City of Huntsville in Madison County to operate, either directly or by contract, a public transit system for the purpose of transporting pupils to and from the public schools of said city, to authorize a fare to be charged by said Board to students riding said public transit system calculated to yield to the Board the difference in public funds received by the Board for transportation and the cost of said service to the Board; to provide that the provisions of this act are severable; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

Also:

H. 1754. Relating to all counties having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; conferring additional powers on the circuit clerk and register.

Also:

H. 1755. To amend further Section 1 of Act No. 836, H. 1103, Regular Session 1969 (Acts of 1969, p. 1541), which provides an allowance for the employment of additional clerical assistance by the tax assessor and tax collector in each county having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Also:

H. 1763. Relating to counties having populations of not less than 33,550 nor more than 34,000 inhabitants according to the most recent federal decennial census; to provide for an expense allowance for the probate judge of such counties.

Also:

H. 1774. Relating to counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for members of the county commission.

Also:

H. 1775. Relating to counties with populations of not less than 38,100 nor more than 40,500 inhabitants according to the most recent federal decennial census; providing for an additional expense allowance for county judges of such counties, payable from the county general fund.

Also:

H. 1779. Relating to Elmore County; to amend Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), to further provide for the use of funds derived from the sale of pistol permits.

Also:

H. 1780. Relating to Elmore County; relieving the board of registrars of such county from the duty of visiting precincts or voting places in the performance of their duties and prescribing certain other meeting places in lieu thereof.

Also:

H. 1781. Relating to Elmore County; to provide further for expense allowances for members of the Elmore County Board of Registrars.

Also:

H. 1787. Relating to counties with populations of not less than 16,700 nor more than 18,000 inhabitants according to the most recent federal decennial census; to authorize the county commission or other like county governing body of such counties to pay the salary of one clerk for each of the following county officers: probate judge, sheriff, tax collector, tax assessor and circuit clerk; such clerks to be appointed for a term and paid an amount established by the said county commission.

Also:

H. 1791. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 1792. To amend the title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) so as to provide a salary for the Lauderdale County board of registrars of \$25 per diem and to increase the hours which the place for registration shall be open.

Also:

H. 1793. Relating to Lauderdale County; to authorize the state highway department to use county road funds to maintain public cemetery roads.

Also:

H. 1794. To empower the county commission of Lauderdale County to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Also:

H. 1796. Relating to all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall authorize the payment of a certain conditional supplement to the county judge's salary; and to repeal all conflicting statutes.

Also:

H. 1561. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to exempt any public water system from the payment of all state, county and municipal sales and use taxes.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

Mr. Gafford offered the motion that consideration of the Message from the Governor on the bill, H. 899, be postponed to the thirty-fourth legislative day.

MOTION TO TABLE LOST

The motion offered by Mr. Cooper to table the motion offered by Mr. Gafford, was lost.

Yeas 40; Nays 48.

Yeas:

Messrs.: Barron, Boles, Brindley, Campbell, Cooper, Dial, Drake, Edwards, Folmar, Glass, Hall, Harrison, Hines, Holmes, Howard, Jackson (R), Johnstone, Kennedy, LeFlore, Leonard, Lockett, McCulley, McNair, McNeas, Malone, Manley, Merrill, Morris, Naramore, Pegues, Plaster, Porter, Quarles, Rich, Riddick, Robertson, Smith (B), Tucker, Venable and Warren.

—40

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Crawford, Cross, Falkenburg, Ford, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hopping, Jolly, Kinsey, Lee, Lutz, McCluskey, McMillan, Martin, Mitchem, Moore (O), Owens, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Waggoner, Whatley, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Folmar removed as co-sponsor to the bill, H. 899.

MESSAGE FROM THE GOVERNOR POSTPONED

The question was then on the motion offered by Mr. Gafford that consideration of the Message from the Governor on the bill, H. 899, be postponed to the thirty-fourth legislative day, and the motion was adopted.

Yeas 48; Nays 36.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Crawford, Cross, Falkenburg, Ford, Gafford, Greer, Gregg, Harris, Higginbotham, Hill, Hopping, Jackson (R), Jolly, Kinsey, Lee, Lutz, McCluskey, McMillan, Martin, Mitchem, Moore (O), Morris, Plaster, Riddick, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Teague, Trammell, Waggoner, Whatley, White, Williams and Wyatt.

—48

Nays:

Messrs.: Barron, Boles, Brindley, Cooper, Dial, Drake, Folmar, Glass, Hall, Harrison, Holmes, Howard, Johnstone, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lockett, McCulley, McNair, McNeas, Malone, Manley, Merrill, Owens, Pegues, Reed, Rich, Robertson, Smith (B), Smith (M), Taylor, Tucker, Venable and Warren.

—36

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 365. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 300,000 and not more than 500,000 according to the most recent federal decennial census.

Also:

H. 366. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

Also:

H. 378. To fix the compensation or salary of the Clerk of the Circuit Court in all counties of Alabama having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Also:

H. 1703. To amend Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971, 3489) entitled An Act to provide for the City of Jacksonville in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board, and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply.

Also:

H. 1720. Relating to all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1664. To provide that any city of the state having a population of more than 41,000 and less than 45,000 inhabitants according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

H. 1670. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue certain plates for use on certain emergency search and rescue vehicles without charge; prescribing the color and prefix for such plates and repealing all conflicting statutes.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1797. Relating to Blount County; to provide further for the compensation of the judge of the Law and Equity Court of Blount County.

Also:

H. 1799. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; providing that the county governing bodies of such counties may appoint a deputy warrant clerk who shall be authorized under certain conditions to take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases and issue search warrants; permitting compensation therefor to be paid out of the general fund of the county treasury.

Also:

H. 1801. To provide that the Planning Commission of the City of Huntsville, Alabama, created pursuant to Title 37, Section 788, 1940 Code of Alabama, shall consist of twelve (12) members, as herein provided; to provide that adoption or amendment of any plan shall be carried by the affirmative votes of not less than eight (8) members; to provide that six (6) members of the Commission shall constitute a quorum; and to provide that the approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority vote of those members present.

Also:

H. 1868. To amend further Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census.

Also:

H. 1800. Relating to Marshall County; requiring the board of registrars to hold voter registration meetings at each high school and college in the county twice a year; and to relieve them of the duty of visiting precinct.

Also:

H. 1803. To regulate and control the operation and licensing of massage parlors within Cleburne county; and providing penalties for violation.

Also:

H. 1469. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Shelby County, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, furnishing water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services, and the guarding and protection of lives and property; to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; and to ratify and confirm any such law enacted by the Legislature at or after its present session but prior to the ratification of the proposed amendment.

Also:

H. 1818. Relating to Morgan County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville.

Also:

H. 1819. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-76.

Also:

H. 1820. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Also:

H. 1825. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

H. 1858. To apply only in counties having a population of not less than 57,000 nor more than 61,000; providing for service of witness subpoenas by mail.

Also:

H. 1857. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most re-

cent federal decennial census; providing for service of process in civil cases by registered mail.

Also:

H. 1826. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; providing additional compensation for official court reports of the circuit courts in such counties.

Also:

H. 1828. Relating to Butler County; to provide salaries for certain county officers including an annual salary adjustment based on the cost of living index; and to provide that the county commission has the authority for providing and fixing the salaries of the employees of the county officers affected by this Act.

Also:

H. 1860. Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 1861. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Also:

H. 229. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

Also:

H. 360. To further regulate the fees and allowances in criminal cases of sheriffs in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent or any subsequent Federal decennial census.

Also:

H. 364. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assistant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 1389, and containing suggested Executive Amendments.

Respectfully submitted,

HENRY B. STEAGALL, II,
Executive Secretary.

Done this 23 day of September, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 1389, without my signature and approval, and with the following suggested Executive Amendments.

It is suggested that you amend House Bill Number 1389 by deleting, in its entirety, the title and inserting in lieu thereof the following:

"Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect."

It is further suggested that you delete Section 1 in its entirety, and insert in lieu thereof the following:

"Section 1. The tax collector, the tax assessor, and the circuit clerk of Coosa County shall each be entitled to, and shall receive, a monthly expense allowance, in addition to any and all salary, expense allowance, or other compensation now payable to such persons, of \$250.00, payable in monthly installments from the general fund of such county."

The adoption of the above and foregoing Executive Amendments will remove my objections to this bill.

Respectfully,
GEORGE C. WALLACE,
Governor.

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GOVERNOR'S MESSAGE

On motion of Mr. McCluskey, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 1389, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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And the bill:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor and tax collector of said county; and giving this Act retroactive effect.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Quarles, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Mitchem, the rules were suspended in order to bring up out of order the bills, S. 190, S. 192 and S. 446.

And the bill:

S. 190. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Cates, Clark, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

S. 192. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labelling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

Was read a third time at length and passed.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

S. 446. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and

Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

Was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hines, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to bring up out of order the bill, H. 499.

And the bill:

H. 499. To authorize the Department of Public Safety to provide insurance coverage for reserve or auxiliary state troopers to the same extent as that provided for regular state troopers; to provide that costs of such insurance shall be paid by the Department of Public Safety in the manner provided by law; and to provide an effective date.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Crawford, Edwards, Falkenburg, Folmar, Ford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—73

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Morris, the rules were suspended in order to bring up out of order the bill, H. 925.

And the bill:

H. 925. (With Substitute): To appropriate a one-time grant in the amount of \$150,000 from the Special Educational Trust Fund to Alex-

ander City Junior College to be used to provide an educational program for inmates at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison; such grant not to revert at the end of the fiscal year but to be carried forward from year to year until expended.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To appropriate a one-time grant in the amount of \$150,000 from the Special Educational Trust Fund to Alexander City Junior College to be used to provide a capital outlay purposes at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Special Educational Trust Fund the sum of \$150,000 to be used by Alexander City Junior College in providing a capital outlay program at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison.

Section 2. This act shall become effective October 1, 1975.

And the substitute was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnstone, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

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And the bill:

H. 925. To appropriate a one-time grant in the amount of \$150,000 from the Special Educational Trust Fund to Alexander City Junior College to be used to provide a capital outlay purposes at Draper Correctional Center, Frank Lee Youth Center, and Julia Tutwiler Prison.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Holmes, Hopping, Howard, Jackson

(R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—78

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Kelley, the rules were suspended in order to bring up out of order the bill, H. 1628.

And the bill:

H. 1628. To amend Section 4 of Act No. 712, H. 48, Acts of Alabama 1951 (Acts 1951, Vol. II, p. 1250) relating to tourist advertising, to permit the purchase of intrastate advertising of state-owned parks by bureau of publicity and information.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—64

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Naramore, the rules were suspended in order to bring up out of order the bill, H. 1729.

And the bill:

H. 1729. To amend the provisions of Act No. 763, H. 286, 1973 Regular Session, approved September 5, 1973, which provided a \$5.00 per day subsistence allowance for certain law enforcement officers, so as to extend the provisions of said Act to state law enforcement officers employed by the Revenue Department, Public Service Commission, Industrial Relations Department, Health Department and Insurance Department.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Crawford, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jolly, Killian, Kinsey, Lee, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Nara-

more, Owens, Pegues, Plaster, Riddick, Roberts, Sasser, Smith (C), Smith (J), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Harris, the rules were suspended in order to bring up out of order the bill, S. 711.

And the bill:

S. 711. (With Amendments): Providing for the establishment of an Alabama Criminal Justice Information Center Commission in order to establish a statewide criminal justice information system; providing for the reporting of arrests and the disposition of persons charged by the state, county and municipal criminal justice agencies; providing for intra and interstate, as well as national and international cooperation with other criminal justice agencies; and providing penalties for violations of provisions of this Act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 711, Section 3, on page 3 of said bill, line 20 by inserting after the word "Court," the words and punctuation as follows:

the President of the Alabama Association of Intermediate Court Judges, the President of the Circuit Judges' Association,

Further amend Senate Bill 711, Section 3, on page 3 lines 25 and 26, by striking the word the where it last appears on line 25 and striking the words President of the Circuit Judges' Association, where same appear on said line 26.

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Crawford, Edwards, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McMillan, McNees, Manley, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—60

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 711, Section 28, on page 12 of said bill, lines 25 through 29, by striking said section in its entirety and inserting in lieu therefor the following:

Section 28. The Administrator of the Department of Court Management or chief administrative officer of any other entity that is charged with the compilation of information and statistics pertaining to

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the disposition of criminal cases shall report such disposition to the ACJIC within a reasonable time after formal rendition of judgment as prescribed by the Commission.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Edwards, Folmar, Ford, Gafford, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McMillan, Manley, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Warren, Whatley, White and Wyatt.

—55

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 711, Section 3, page 3 of said bill, on line 21, by deleting the period following the word "Safety" and inserting in lieu thereof a comma and adding the following words and punctuation:

and the Director of the Data Systems Management Division of the Alabama Department of Finance.

Further amend Senate Bill 711, Section 3, page 3 of said bill, on line 20 by deleting the word and where said word appears on line 20.

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Edwards, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lockett, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—55

The question was then on the adoption of the amendment No. 4, reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend Senate Bill 711, Section 3, page 3 of said bill on lines 27 and 28 by striking the words the Director of the Data Systems Management Division of the Alabama Department of Finance,

And the amendment was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Edwards, Falkenburg, Folmar, Ford,

Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, McMillan, McNees, Malone, Manley, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Whatley, White and Wyatt.

—58

Nay: Mr. Harrison.

—1

And the bill, S. 711 as thus amended, was read a third time at length and passed.

Yeas 56; Nays 2.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Edwards, Falkenburg, Folmar, Ford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Trammell, Turnham, Venable, Whatley, White and Wyatt.

—56

Nays: Messrs.: Harrison and Leonard.

—2

MOTION TO ADJOURN LOST

The motion offered by Mr. McNair that the House adjourn until 2:00 o'clock p. m., Tuesday, September 30, 1975, was lost.

Yeas 30; Nays 44.

Yeas:

Messrs.: Baker, Boles, Brindley, Carter, Clark, Edwards, Folmar, Ford, Gregg, Hall, Harrison, Higginbotham, Holmes, Jackson (R), Johnson, Jolly, Kelley, Leonard, Lockett, McNair, Malone, Pegues, Porter, Riddick, Sasser, Smith (B), Taylor, Teague, Whatley and Wyatt.

—30

Nays:

Messrs.: Armstrong, Barron, Biddle, Callahan, Campbell, Carothers, Cates, Cooper, Crawford, Falkenburg, Gafford, Greer, Hill, Hines, Hopping, Howard, Johnstone, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNees, Martin, Moore (O), Naramore, Owens, Plaster, Quarles, Rich, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Venable, Waggoner, White and Williams.

—44

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Greer, the rules were suspended in order to bring up out of order the bill, H. 996.

And the bill:

H. 996. (With Amendments): To amend Sections 8, 10, 14, 18, 20, 21, 22 and 24 of Act No. 576, Acts of Alabama 1959, page 1442, volume 2, as amended, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels

used on the waters of this State by the Conservation and Natural Resources Department of this State; the enforcement of this act, duties of the commissioner of the State Department of Conservation and Natural Resources; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation and Natural Resources Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Commissioner of Conservation and Natural Resources with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of \$32,500.00 to the Department of Conservation and Natural Resources for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation and Natural Resources; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Commerce and Transportation, said committee amendment being as follows:

Amend House Bill 996, Page 12, Line 9 by striking the word or where it appears between the words accident and where, also insert the word serious before the word injury.

And the amendment was adopted.

Yeas 57; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Killian, Kinsey, LeFlore, Leonard, Lutz, McCluskey, McMillan, McNees, Martin, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—57

Nay: Mr. Biddle.

—1

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Commerce and Transportation, said committee amendment being as follows:

Amend House Bill 996, Page 12, Lines 30 and 31 by striking the words from sunset to sunrise and inserting in lieu thereof the words from ½ hour after sunset to ½ hour before sunrise.

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg,

Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Jackson (R), Johnstone, Jolly, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—62

Mr. Greer offered the following amendment No. 1 to the bill, H. 996 as amended:

Amend H. 996 by deleting the following on Page 2, line 12

“providing for an appropriation of”

Further amend H. 996 page 2 by deleting lines 13, 14, 15, 16, 17, 18 in their entirety

Further amend H. 996 page 2 line 19 by deleting the following words:

“sell boat licenses”

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Whatley, White and Williams.

—55

Mr. Greer offered the following amendment No. 2 to the bill, H. 996 as amended:

Amend H. 996 by deleting Section 8 in its entirety and renumbering the remaining sections.

And the amendment was adopted.

Yeas 48; Nays 0.

Yeas:

Messrs.: Armstrong, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Hill, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lutz, McNees, Martin, Mitchem, Moore (O), Naramore, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (M), Starkey, Teague, Trammell, Venable, Waggoner, Warren, White, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

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Mr. Greer offered the following amendment No. 3 to the bill, H. 996 as amended:

Amend H. 996 by deleting the following on line 10, page 1

"24"

and adding in lieu thereof the following

"22"

Further amend H. 996 by deleting on Page 1, line 20 the following

"22"

Further amend H. 996 by deleting the following on line 21, page 1

"24"

and adding in lieu thereof the following:

"22"

And the amendment was adopted.

Yeas 57; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, Lutz, McMillan, Martin, Mitchem, Moore (O), Naramore, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—57

And the bill:

H. 996. To amend Sections 8, 10, 14, 18, 20, 21, and 22 of Act No. 576, Acts of Alabama 1959, page 1442, volume 2, as amended, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation and Natural Resources Department of this State; the enforcement of this act, duties of the commissioner of the State Department of Conservation and Natural Resources; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation and Natural Resources Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Commissioner of Conservation and Natural Resources with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; to repeal all laws in conflict with the provisions of this Act."

As thus amended, was read a third time at length and passed and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Crawford, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Holmes, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNees, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—65

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Crawford, the rules were suspended in order to bring up out of order the bill, H. 1385.

And the bill:

H. 1385. (With Amendment): To provide an appropriation by the State Legislature out of the General funds in the amount of \$300,000 per year beginning October 1, 1975, through September 30, 1977, for the State of Alabama, State Planning and Development Districts as designated by Executive Order June 14, 1971, reference, Act No. 1126, Regular Session, 1969, at the rate of \$25,000 each per year.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1385 by striking in the title on line 17, the figures "1977" and inserting in lieu thereof the figures "1976", and in Section 1, line 24, by striking the figures "1977" and inserting in lieu thereof the figures "1976".

Further amend House Bill 1385 by adding thereto on line 36 the following:

Section 2. This bill shall become effective on October 1, 1975.

And the amendment was adopted.

Yeas 63; Nays 1.

Yeas:

Mr. Speaker, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Edwards, Folmar, Gafford, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Plaster, Quarles, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—63

Nay: Mr. McNair.

—1

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And the bill:

H. 1385. To provide an appropriation by the State Legislature out of the General funds in the amount of \$300,000 per year beginning October 1, 1975, through September 30, 1976, for the State of Alabama, State Planning and Development Districts as designated by Executive Order June 14, 1971, reference, Act No. 1126, Regular Session, 1969, at the rate of \$25,000 each per year.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Dial, Edwards, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis Lockett, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

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UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Smith (C) as co-sponsor to the bill, H. 1385.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Lutz to suspend the rules in order to bring up out of order the bill, H. 140, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lutz, the rules were suspended in order to bring up out of order the bill, H. 989.

And the bill, H. 989, was called, and on motion of Mr. Lutz, the bill, S. 701, was substituted for the bill, H. 989.

And the bill:

S. 701. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Was read a third time at length and passed.

Yeas 73; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Quarles, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—73

And the bill:

H. 989. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Was taken up.

H. 989. INDEFINITELY POSTPONED

On motion of Mr. Lutz, the bill, H. 989, was indefinitely postponed.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 751. To authorize and empower the director of the Madison County License Department to charge and collect a fee of \$1.00 for the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Title 51, Section 706, Code of Alabama 1940, as last amended; to provide that all fees so collected shall be the property of the county and shall be paid into the general fund of the county; to repeal conflicting laws.

Also:

H. 766. To authorize the Madison County Commission to pay the expenses of defending lawsuits brought against employees of Madison County, Alabama, resulting from the performance of any work while in the employment of Madison County.

Also:

H. 770. To authorize Madison County, Alabama, to levy a business or privilege fee upon any business, vocation, occupation, calling or profession for which a business or privilege fee or tax is not required for either the State of Alabama or the county by the laws of the State of Alabama, and to limit the amount of any such business or privilege license fee.

Also:

H. 1693. To further amend Section 6 of Act No. 2452, H. 2798, 1971 Regular Session (Acts of 1971, p. 3917), as amended, entitled, "An Act To provide courts in each county of the state having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census and vesting each with jurisdiction formerly exercised by justices of the peace; providing for additional powers of said courts; providing for its officers, and their appointment; elections; providing for the term of office of the judge, his powers, duties, compensation, and for costs and fees in such court; providing for the transfer of all cases pending in justice of the peace court of said court hereby established; providing for appeal from said court; providing for procedure, practice and pleading in said court; to provide for the approval of bonds in such matters pending before this court," so as to increase the compensation of judges of the Inferior Court to \$9,600 per annum.

Also:

H. 1694. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 57,000 and not more than 61,000 according to the most recent federal decennial census.

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Also:

H. 1695. Relating to all counties having a population not less than 57,000 nor greater than 61,000, according to the latest Federal decennial census; authorizing the county commission to set clerk hire for all county officers.

Also:

H. 1713. Relating to all counties with populations of not less than 23,800 nor more than 23,925 inhabitants according to the most recent federal decennial census; providing for the salary of the jury commission.

Also:

H. 1743. Relating to Geneva County; relieving the tax assessor and tax collector from the duty of traveling from place to place within the county to assess property and collect taxes.

Also:

H. 1753. Relating to all counties having a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent federal decennial census; to provide for the compensation of certain county officers on a salary basis; to provide that the fees, commissions and allowances of such officers shall be deposited in the general fund of such counties; and to provide for the operation of the offices of such officers.

Also:

H. 1768. Relating to Geneva County; providing additional compensation for the official court reporter of the Thirty-third Judicial Circuit, payable by the county.

Also:

H. 1696. Relating to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; authorizing an additional uniform allowance for all uniformed personnel of the sheriff's department of each such county; and providing a clothing allowance for chief investigators and assistant investigators, the same to be paid from the county treasury.

Also:

H. 1464. Proposing an amendment to the Alabama Constitution that will allow the Legislature to pass local legislation applicable to Madison County to change the method prescribed by law for giving notice to delinquent taxpayers in Madison County of their failure to pay taxes assessed against any property which is assessed to them and to further change the notice required to be given them prior to the sale for taxes of said property and to further change the method for issuing decrees for the sale of land and the trials held to determine whether such sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to further change the method regarding the sale of said property and the report of the amount of taxes collected from said sale.

Also:

H. 1699. To propose and provide for the submission to the qualified electors of the State of Alabama of an amendment to the Constitution of Alabama (a) authorizing each school district in Russell County to levy

and collect a tax of eight mills on each dollar of taxable property in each district when approved by the qualified electors thereof; (b) providing that the tax year commencing October 1, 1982, is the first tax year for which each such district tax may be levied; and (c) repealing, effective October 1, 1982, the constitutional amendment known as CXXIV which authorizes an eight mill countywide tax for public school purposes in Russell County.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1486. Relating to Wilcox County; to provide that the county governing body shall set the mileage allowance for the coroner.

Also:

H. 1492. To authorize the Tax Assessor and the Tax Collector of Autauga County to appoint one Chief Deputy Clerk and additional Deputy Clerks, and to provide for the compensation of said Clerks, and to repeal Act # 215 H 647 approved September 30, 1959, Page 755 Volume 1 Acts of Alabama Regular Session 1959.

Also:

H. 1510. Relating to counties having a population of not less than 27,000 nor more than 27,900 according to the most recent federal decennial census, to provide a total compensation for members of the jury commission and for the secretary of the jury commission in such counties.

Also:

H. 1511. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Also:

H. 1512. To alter or rearrange the boundary lines of the Town of Gulf Shores, Baldwin County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 1522. Providing for an additional fee for a pistol permit or license in any county having a population of not less than 33,500 nor more than 34,000 according to the most recent federal census and providing for the disposition of the proceeds from such fees.

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Also:

H. 1544. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Also:

H. 1546. To alter, rearrange, and extend the boundary lines and corporate limits of the town of Belk in Fayette County, Alabama, so as to annex certain territory to the Town of Belk, in Fayette County, Alabama.

Also:

H. 1553. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes and raccoons; prescribing a penalty for violation of this Act.

Also:

H. 1555. Relating to Lowndes County; to authorize the county governing body to maintain roadways and driveways connecting private residences with public roads.

Also:

H. 1556. Relating to Lowndes County; to provide an additional expense allowance for the county solicitor.

Also:

H. 1557. Increasing the compensation of the bailiff of the 32nd judicial circuit to \$20.00 per day, the increase to be paid out of the county treasury.

Also:

H. 1560. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Also:

H. 1566. To alter, rearrange and establish commissioners' districts in Pickens County.

Also:

H. 1571. Relating to Covington County; to outlaw the use of any commercial fishing nets in the public waters of said county for a period of five years from the effective date of this act; providing penalties therefor.

Also:

H. 1577. Relating to counties having a population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

H. 1147. Relating to the fifteenth judicial circuit, authorizing the hiring of two secretaries, one for the criminal division and one for the

civil division of the circuit court, chosen by the presiding judge of the fifteenth judicial circuit, and paid by the county comprising the circuit.

Also:

H. 1213. Relating to Cullman County, providing an expense allowance for the members of the county board of education, which shall be in lieu of any expense allowances now payable to such members.

Also:

H. 1590. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in Tuscaloosa County.

Also:

H. 805. To amend Act No. 869, H. 1197, 1969 Regular Session (1969 Acts, p. 1579), which act provides for an expense allowance for the members of the board of education in Bibb County, so as to provide further for such expense allowance.

Also:

H. 1237. To amend further Section 5 of Act No. 592, S. 456, Regular Session 1953, as amended, an act providing a civil service system for the City of Anniston (Acts 1953, Vol. II, p. 838), in relation to the manner of appointing the members of the civil service board and to their qualifications.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE

ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1277. To amend further Act No. 37, S. 69, Special Session 1964 (Acts of 1964, p. 58) which regulates the compensation of jurors in certain counties classified on a population basis.

Also:

H. 1295. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Also:

H. 1335. To amend Act No. 356 of the Legislature of Alabama of 1973, to improve the benefits for retired employees by authorizing and ratifying the payment of premiums for life, health and hospitalization insurance for retired employees.

Also:

H. 1413. Relating to counties having a population of not less than 12,700 nor more than 13,100 inhabitants according to the most recent federal decennial census; to allow the governing body to set the mileage allowance for the coroner.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to wit:

H. 1262. Applying to Madison County, State of Alabama; to regulate massage parlors within Madison County; to make legislative findings concerning the operation of massage parlors within Madison County, and concerning the difficulty encountered by law enforcement officers in the enforcement of the law in connection with massage parlors; to define terms; to require a license from the Madison County Board of Health for the operation of any said business within the County; to provide health and sanitary requirements for the operation of massage parlors in Madison County; to provide standards for cleanliness in connection with massage parlors in Madison County; to prohibit the use of any massage parlor as a dormitory in Madison County; to prohibit massages by any licensee within said County except upon licensed premises; to prohibit massages behind closed doors; to require health examinations for persons to administer massages; to require that massage parlor premises in said County shall be open to the public and to law enforcement officers during the rendering of any service in connection with same; to provide for automatic termination of a massage parlor license upon final conviction of certain offenses by any owner, manager, or supervisor of a massage parlor in said County; to prohibit any physical contact by a person of the opposite sex in connection with a massage at a massage parlor, bath parlor, or any similar type business in Madison County, to prohibit massaging, or in any way touching, the genital organs of another in connection with a massage or other service rendered by a massage parlor in Madison County; to prohibit any person from advertising or offering any massage or physical touching of the genital organs of another in connection with a massage in Madison County, to provide for the revocation of massage parlor licenses by the Madison County Health Officer after notice and hearing; to provide penalties for the violation of this act; to provide severability for the various sections, paragraphs, sentences, clauses and phrases of this act; and to provide that the act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

Also:

H. 1383. To amend Act No. 1606, H. 1891, 1971 Regular Session (Acts 1971, p. 2761), which creates in the City of Montgomery in connec-

tion with the regular organized and paid fire department of the City of Montgomery, the Montgomery Fire Fighters Pension Fund; amending Sections 6, 9, 12, 15, 17 and 24 of said act so as to authorize the trustees of the Fund, in their discretion, to select and appoint a custodian of the assets of the Fund to serve in lieu of the Comptroller of the City and to select and appoint an investment trustee and to delegate to such investment trustee certain managerial powers relative to the handling, investment and reinvestment of such funds; to regulate further the issuance of vouchers on the fund; to increase retirement benefits from such fund; to provide for the return of contributions upon the death of a member who does not leave a surviving spouse or surviving children under eighteen years of age; and to give retroactive effect to some of the provisions of this act.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1421. Relating to all counties having populations of not less than 56,500, nor more than 59,000 inhabitants according to the most recent federal decennial census; increasing the compensation of the members of the jury commission.

Also:

H. 1422. Relating to Lauderdale County; providing further for the election of the members of the county board of education.

Also:

H. 1458. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Also:

H. 1481. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Also:

H. 1465. Relating to Madison County; to provide that the notice required to be given to delinquent taxpayers prior to the sale for taxes of their property be given by publication; to provide that trials be held to determine whether such sale should be ordered; to provide a method to give notice to delinquent property owners to show cause why a decree of sale should not be rendered against them; to provide a method for the sale of said property and the report of the amount of taxes collected from said sale.

Also:

H. 170. Relating to Washington County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of Washington County.

Also:

H. 210. To amend further Act No. 172, H. 187, 1st Special Session 1964, as further amended which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney and the two Legal Stenographers and the addition of a Legal Stenographer in such counties.

Also:

H. 355. To amend further section 1 of Act No. 192, H. 262 First Special Session 1964 (Acts 1964, P. 256) an Act providing an annual allowance for purchasing uniforms for deputy sheriffs in counties having populations of not less than 300,000 nor more than 500,000 so as to regulate further the amount of such allowance.

Also:

H. 1215. Relating to Cullman County, providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws.

Also:

H. 363. Relating to counties having a population of not less than 300,000, nor more than 500,000 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners, to provide that the provisions of this Act shall be effective upon passage.

Also:

H. 421. To allow prospective jurors to be excused without the presence of the defendant in all judicial circuits of Alabama having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Also:

H. 424. Relating to the Fifth Judicial Circuit of Alabama; to provide for an investigator who shall be furnished with an automobile and

other equipment necessary for the performance of investigative duties; to prescribe the investigator's powers, duties and authority and to fix his compensation and provide for the payment thereof.

Also:

H. 426. Relating to the method of giving notice of the requirement of attendance of jury service in all judicial circuits of Alabama, having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census.

Also:

H. 428. To apply only in the circuit courts of all judicial circuits having populations of not less than 95,000 nor more than 114,000 according to the most recent federal decennial census; to provide that in such courts the parties to any action, except prosecutions for capital felonies, may at any stage of a trial then pending and whether the jury has retired or not, unanimously consent with legal effectiveness to the discharge from further duty of any member of the jury trying the case, and to a continuation of the trial and the rendition of a verdict by the remaining jurors; and to further provide that in such courts and in such actions the parties may, prior to the commencement of a trial unanimously stipulate in open court with legal effectiveness that in the event it becomes necessary during the pendency of the trial, whether the jury has retired or not, for the court to discharge from further duty any member of the jury trying the case because of the juror's sickness or other good cause, the trial shall continue with and a verdict be rendered by the remaining jurors.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been public read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:00 P. M. On September 25, 1975

H. J. R. 391

Delivered to the Secretary of State at 2:30 P. M. On September 25, 1975

H. 1587

Delivered to the Governor at 2:35 P. M. On September 25, 1975

H. 928

H. 927

H. 1599

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33rd Day

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H. 1631
H. 1632
H. 1638
H. 1640
H. 1641
H. 1654
H. 1655
H. 1656
H. 1657
H. 1692

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Owens and pursuant to the resolution, H. R. 396, heretofore adopted, the House adjourned until 2:00 o'clock p. m., Tuesday, September 30, 1975.

Yeas 42; Nays 39.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Carter, Clark, Cooper, Cross, Edwards, Folmar, Ford, Gregg, Hall, Harris, Higginbotham, Holmes, Howard, Jackson (R), Johnson, Jolly, Lee, Leonard, Lockett, Lutz, McNair, Merrill, Morris, Owens, Pegues, Rich, Riddick, Robertson, Sasser, Smith (B), Smith (M), Taylor, Teague, Trammell, Whatley and Williams.

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Nays:

Messrs.: Biddle, Callahan, Campbell, Carothers, Cates, Falkenburg, Gafford, Greer, Hill, Hines, Hopping, Johnstone, Kennedy, Killian, Kinsey, Lewis, McCluskey, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Naramore, Plaster, Quarles, Reed, Roberts, Sandusky, Smith (C), Smith (J), Sonnier, Starkey, Turnham, Venable, Waggoner, Warren, White and Wyatt.

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THIRTY-FOURTH DAY

House of Representatives
Montgomery, Alabama
Tuesday, September 30, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Lester Spencer, Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams, Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-third legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for thirty-third legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-third legislative day was approved.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker of the House appointed as the Committee on Conference on the part of the House on the disagreement of the two Houses on the House amendment to the bill, S. 441, Messrs. Robertson, Rich and Glass.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1857. Relating to all counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for service of process in civil cases by registered mail.

Also:

H. 1826. Relating to counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; providing additional compensation for official court reports of the circuit courts in such counties.

34th Day

Also:

H. 1828. Relating to Butler County; to provide salaries for certain county officers including an annual salary adjustment based on the cost of living index; and to provide that the county commission has the authority for providing and fixing the salaries of the employees of the county officers affected by this Act.

Also:

H. 1860. Relating to counties having a population of not less than 16,245 nor more than 16,300 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

H. 1861. Relating to counties having a population of not less than 14,000 nor more than 15,000 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

Also:

H. 229. To provide that in every county having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of the county is authorized to pay a monthly pension to any public law librarian upon retirement, and the chief circuit judge of the judicial circuit comprising such county is authorized to pay an additional monthly pension from any law library fund to such law librarian upon such retirement; and to prescribe the terms and conditions of such retirement and such pensions.

Also:

H. 360. To further regulate the fees and allowances in criminal cases of sheriffs in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the most recent or any subsequent Federal decennial census.

Also:

H. 364. To authorize the Sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint an administrative assistant, to provide for the appointment for such administrative assist-

ant, the term of office of such administrative assistant, to provide for the salary of such administrative assistant, and the method of payment of such salary.

Also:

H. 365. To regulate further the fees of sheriffs in all counties of this State having populations of not less than 300,000 and not more than 500,000 according to the most recent federal decennial census.

Also:

H. 366. To authorize the sheriff of any county having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census, to select and appoint a secretary, to provide for the appointment of such secretary, the term of office of such secretary, to provide for the salary of such secretary, and the method of payment of such secretary.

Also:

H. 378. To fix the compensation or salary of the Clerk of the Circuit Court in all counties of Alabama having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Also:

H. 1720. Relating to all counties having populations of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as there is defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1664. To provide that any city of the state having a population of more than 41,000 and less than 45,000 inhabitants according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such city to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

H. 1670. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants; authorizing the judge of probate, or other officer charged with issuing motor vehicle license plates, to issue certain plates for use on certain emergency search and rescue vehicles without charge; prescribing the color and prefix for such plates and repealing all conflicting statutes.

Also:

H. 1703. To amend Act No. 2182, H. 2753 Regular Session 1971 (Acts 1971. 3489) entitled An Act to provide for the City of Jacksonville in Cal-

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34th Day

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houn County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws, so as to increase the pay of members of the Board, and to increase the authorized expenditure of the municipality for the operation of the board, and further limit the officers and employees to which the act shall not apply.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 920. To provide for additional expense allowances for certain public officials in Washington County.

Also:

H. 979. Relating to the third judicial circuit; authorizing the district attorney to appoint an additional secretarial assistant and providing for the compensation of such secretary.

Also:

H. 1064. To create the office of license commissioner in Houston County; to provide for his appointment and future election; to fix his compensation and allowance, prescribe his duties, define his powers and provide for the operation of his office.

Also:

H. 1735. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Also:

H. 1321. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide

by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Also:

H. 1322. To apply to every county of this State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county shall be authorized to provide an auxiliary courtroom for any inferior court established in the county if public need and public interest so require and to discontinue any such auxiliary courtroom the maintenance of which public need and public interest do not require.

Also:

H. 1660. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; to allow for the lawful dispensing by any food-service establishment of sugar in containers other than individual, single service packages.

Also:

H. 1675. Relating to law enforcement in Monroe County; fixing the fee for the issuance of pistol permits; and prescribing the use of such fees.

Also:

H. 1676. Relating to Monroe County; to provide for the mailing addresses of the grantors and grantees, on all conveyances of real property; to become effective six months from the date this act becomes law.

Also:

H. 1677. Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws.

Also:

H. 1678. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Walnut Grove, in Etowah County.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

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H. 589. To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area.

Also:

H. 209. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of two investigators, to prescribe their authority and powers and prescribe their compensation.

Also:

H. 1189. To create the office of supernumerary sheriff for Blount County, Alabama and to prescribe the qualifications, duties, appointment, elections and salary of such office.

Also:

H. 377. To provide retirement benefits for elected officials in any municipality in the State of Alabama having a population, according to the most recent Federal census, between 175,000 and 225,000 persons, and to provide for the payment of such benefits.

Also:

H. 1466. To provide for the creation, incorporation, organization, operation, administration, and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, supplying water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services; and the guarding and protection of lives and property; to provide for the fixing, levy and collection of taxes, rates, fees and charges for such services, to constitute such taxes, fees and charges a debt of and claim against those owning property or residing within the District and a lien upon the property in the District; to provide penalties for non-payment; and to provide for the borrowing of money and the issuance of bonds or other obligations by or on behalf of such districts.

Also:

H. 1121. To amend further Act No. 263, S. 222, Special Session 1961 (Acts 1961, p. 2280), relating to the compensation of election officers in counties having populations of not less than 300,000 nor more than 500,000.

Also:

H. 450. Relating to Jackson County, providing for a salary for the chairman of the county governing body and providing for a monthly expense allowance for the chairman and members of said county governing body.

Also:

H. 824. Relating to counties having populations of not less than 150,000 nor more than 180,000 inhabitants according to the most recent

federal decennial census, to provide for the payment of benefits to the employees of any such county who are totally disabled as the result of injuries received in the performance of their official duties and to the surviving dependents of employees of such counties who are killed in the performance of their official duties, and repealing all conflicting laws.

Also:

H. 1680. Relating to Blount County; to provide the county commissioners power to authorize county personnel to open graves for interment, repair and maintain existing roads, build roads, and other labor related thereto, in all private or public cemeteries, including any cemetery authority owned, governed, controlled, or operated by: any church or religious society or denomination, religious corporation, church, or corporation sole.

Also:

H. 1681. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Snead, in Blount County.

Also:

H. 1683. To authorize and direct the Board of Education of Dale County to determine and fix the annual salary to be paid the Superintendent of Education, commencing at the beginning of the next term of office.

Also:

H. 1687. Relating to Henry County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of such county.

Also:

H. 1278. Relating to Lawrence County; to provide that a certain percentage of the proceeds accruing to the Alabama Department of Aeronautics from any rental or lease agreement covering certain lands in said county shall be deposited to the Lawrence County general fund; requiring all such leases to be let on a competitive bid basis.

Also:

H. 1722. Relating to cities having a population of not less than 9,200 nor more than 9,400 inhabitants according to the most recent federal decennial census; to provide retirement allowances for elected officials in such cities and to provide for the payment of such allowances.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1532. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census to authorize the county commission to design, accept designs, and adopt an official county flag; to expend funds necessary for the making and designing an official flag of said county.

Also:

H. 1533. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide a clerical assistant to the tax collector.

Also:

H. 1535. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional expense allowance for the county commission.

Also:

H. 1563. To extend, alter and rearrange the boundaries and corporate limits of the Town of Killen so as to annex certain adjacent territory to the Town of Killen.

Also:

H. 1580. Relating to Cullman County; to provide that the sheriff's department shall be authorized to employ an additional investigator and two additional deputies; to provide for their compensation and to provide an additional squad car for the sheriff's office.

Also:

H. 1581. Relating to Cullman County; to reimburse the office of the tax collector for any monetary loss resulting in the performance of official duties from errors or mistakes, made in good faith, and upon proper certification by the state auditor, not to exceed a maximum of fifteen hundred dollars per annum; making the provisions herein retroactive to October 1, 1972.

Also:

H. 1597. To provide that the Madison County Commission may employ a legislative aide to assist the Madison County Delegation to the Legislature of the State.

Also:

H. 1619. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Also:

H. 1627. To amend Act No. 716, H. 1486, 1973 Regular Session (Acts of 1973, p. 1071), entitled, "An Act Relating to the twenty-seventh ju-

dicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for an additional secretarial assistant for the office of district attorney of said judicial circuit," so as to provide for an additional secretarial assistant and to effect changes in the salary of the investigator and the assistants.

Also:

H. 1636. To alter or rearrange the boundary lines of the Town of Lowndesboro, Lowndes County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Lowndesboro, Alabama.

Also:

H. 1667. Relating to the coroner's office in all counties having populations of not less than 65,500 nor more than 75,200 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Also:

H. 1668. To provide for branch banking in Winston County.

Also:

H. 1673. Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws.

Also:

H. 1671. Relating to the Fifteenth Judicial Circuit of Montgomery County, to provide additional compensation or salary for the official court reporters; providing for the payment thereof from the county general fund and providing for a fee as part of cost for reporting a case.

Also:

H. 1674. Relating to Monroe County; to authorize the Sheriff to mail subpoenas for jury duty and notices of appointment to election officials with first class postage and to authorize the county commission to make expenditures from the county general fund for such purpose.

Also:

H. 995. To propose an amendment to the Constitution of Alabama to authorize the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present,

signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to wit:

H. 1741. Amending Section 1 of Act No. 567, H. 1518 of the Regular Session of 1973 (Acts 1973, page, 824) entitled An Act Relating to all counties having a population of not less than 26,725 nor more than 27,250; regulating the fees applicable to certain services rendered by the circuit court in equity of said counties, so as to increase the fees and charges set out therein.

Also:

H. 1747. To extend the boundaries of the City of Albertville in Marshall County.

Also:

H. 1748. To authorize the Board of Education of the City of Huntsville in Madison County to operate, either directly or by contract, a public transit system for the purpose of transporting pupils to and from the public schools of said city, to authorize a fare to be charged by said Board to students riding said public transit system calculated to yield to the Board the difference in public funds received by the Board for transportation and the cost of said service to the Board; to provide that the provisions of this act are severable; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this act.

Also:

H. 1754. Relating to all counties having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census; conferring additional powers on the circuit clerk and register.

Also:

H. 1755. To amend further Section 1 of Act No. 836, H. 1103, Regular Session 1969 (Acts of 1969, p. 1541), which provides an allowance for the employment of additional clerical assistance by the tax assessor and tax collector in each county having populations of not less than 12,700 nor more than 13,100 according to the most recent federal decennial census.

Also:

H. 1763. Relating to counties having populations of not less than 33,550 nor more than 34,000 inhabitants according to the most recent federal decennial census; to provide for an expense allowance for the probate judge of such counties.

Also:

H. 1774. Relating to counties having a population of not less than 24,900 nor more than 25,150 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for members of the county commission.

Also:

H. 1775. Relating to counties with populations of not less than 38,100 nor more than 40,500 inhabitants according to the most recent federal decennial census; providing for an additional expense allowance for county judges of such counties, payable from the county general fund.

Also:

H. 1779. Relating to Elmore County; to amend Section 4 of Act No. 997, H. 1177, Regular Session 1971 (Acts 1971, Vol. III, p. 1811), to further provide for the use of funds derived from the sale of pistol permits.

Also:

H. 1780. Relating to Elmore County; relieving the board of registrars of such county from the duty of visiting precincts or voting places in the performance of their duties and prescribing certain other meeting places in lieu thereof.

Also:

H. 1781. Relating to Elmore County; to provide further for expense allowances for members of the Elmore County Board of Registrars.

Also:

H. 1787. Relating to counties with populations of not less than 16,700 nor more than 18,000 inhabitants according to the most recent federal decennial census; to authorize the county commission or other like county governing body of such counties to pay the salary of one clerk for each of the following county officers: probate judge, sheriff, tax collector, tax assessor and circuit clerk; such clerks to be appointed for a term and paid an amount established by the said county commission.

Also:

H. 1791. To extend the boundary lines of the City of Hartselle, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 1792. To amend the title and Section 1 of Act No. 792, H. 924, 1969 (Acts of 1969, p. 1423) so as to provide a salary for the Lauderdale County board of registrars of \$25 per diem and to increase the hours which the place for registration shall be open.

Also:

H. 1793. Relating to Lauderdale County; to authorize the state highway department to use county road funds to maintain public cemetery roads.

Also:

H. 1794. To empower the county commission of Lauderdale County to authorize any local bank to sell automobile license tags for the county, between the dates of October 1 and November 15 of each year.

Also:

H. 1796. Relating to all counties having a population of not less than 90,000 nor more than 100,000 inhabitants according to the most recent federal decennial census; to provide that the county commission or other like governing body of such counties shall authorize the payment of a

certain conditional supplement to the county judge's salary; and to repeal all conflicting statutes.

Also:

H. 1561. To apply in all counties having populations of not less than 35,000 nor more than 38,000, according to the most recent Federal decennial census, to exempt any public water system from the payment of all state, county and municipal sales and use taxes.

Also:

H. 1736. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to wit:

H. 1149. Relating to Geneva County; to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners.

Also:

H. 1162. To further amend Act 544, S. 602, P. 1294, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the General Fund in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census, for a County Health Department, including the acquisition of land, the erection, construction, extension, renewal, and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates, and to repeal all laws or parts of laws in conflict herewith.

Also:

H. 1164. To further amend Act 751, S. 599, P. 1606, Acts of Alabama of 1967, as amended, to provide for an increase in funds from the general funds of the several incorporated municipalities in all counties having a population of not less than 300,000 inhabitants and not more than 500,000 inhabitants according to the last or any succeeding federal census for a county health department, including the acquisition of land, the erection, construction, extension, renewal and repair of any buildings and improvements thereon and the maintenance and operation of such department; to anticipate such funds by temporary loan certificates and to repeal all laws or parts of laws in conflict herewith.

Also:

H. 1201. To provide that when any physician, dentist, nurse, member of any organized rescue squad, or member of any police or fire department in any county of a population of 170,000 to 300,000, or in any city or town located in any county of a population of 170,000 to 300,000; any Alabama-licensed emergency medical technician, medical student, intern or resident practicing in a hospital in any county of a population of 170,000 to 300,000, with a training program approved by the American Medical Association; any employee of any public hospital corporation authorized to operate and operating an emergency ambulance service under the provisions of Act 2137, 1971 Legislature of Alabama, as amended; or any owner or employee of any licensee, franchisee, or contractor of any public hospital corporation in any county of a population of 170,000 to 300,000 gratuitously and in good faith renders first aid or emergency care to persons injured, or gives advice to anyone rendering aid or emergency care to persons injured, he shall not be liable for civil damages as a result of the acts or omissions resulting from said emergency care.

Also:

H. 1200. To amend Section 3 of Act No. 2137 (H. 2624), approved October 1, 1971, entitled: "An Act relating to counties having a population of not less than 170,000 nor more than 300,000, according to the 1970 or any subsequent Federal Decennial Census; authorizing public hospital corporations organized under the laws of the State of Alabama heretofore or hereafter enacted, with the consent of the governing bodies of said counties and of the largest municipality within said counties to operate a service for the purpose of providing emergency aid, treatment, and emergency transportation for hire to the sick and injured within the counties; providing that such services as are established under the provisions of this act shall be managed, regulated, and controlled by said public hospital corporations; providing that said services may be provided by contract with public or private agencies; authorizing the setting of rates for said services; authorizing the county governing bodies within said population class, and the governing bodies of each municipality within said counties to operate all or any portion of any such service under contract with any such public hospital corporation establishing such service; providing that neither a public hospital corporation as herein described, or any licensee or contractor of said hospital corporation shall use the streets, avenues, alleys or public places of any city or town as contemplated by Section 230 of the Constitution of Alabama, without first obtaining the consent of the proper authorities of such city or town; and repealing all laws or parts of laws in conflict therewith."

Also:

H. 1264. Relating to Madison County; to amend Act No. 120, H. 599, of the 1973 Regular Session; to authorize the governing body of said county to expend funds to reimburse the Tax Assessor for travel performed in the county in connection with the duties of that office.

Also:

H. 1279. To authorize the County Commission of Mobile County to make appropriations for the support and operation of a nonprofit organization to provide services to and for the benefit of the citizens of Mobile County.

Also:

H. 1299. To amend Act 618 of the Regular Session of 1973 to provide further concerning the power of the council.

REGULAR SESSION
34th Day

3699

Also:

H. 1301. To amend Act 618 of the Regular Session of 1973 to provide further concerning the powers and duties of the mayor.

Also:

H. 1382. Relating to counties having a population not less than 115,000 nor greater than 150,000, according to the latest federal decennial census; providing that the sheriff in such counties shall receive \$350 per month expense allowance, to become salary at the end of the present incumbent's term of office.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Manley:

H. R. 398. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Thursday, October 2, 1975, at 10:00 A.M.

On motion of Mr. Manley, the rules were suspended and the resolution, H. R. 398, was adopted.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Andrews not voting on the bill, S. 797.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1797. Relating to Blount County; to provide further for the compensation of the judge of the Law and Equity Court of Blount County.

Also:

H. 1799. Relating to all counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; providing that the county governing bodies of such counties may appoint a deputy warrant clerk who shall be authorized under certain conditions to take affidavits and complaints, issue warrants of arrest in misdemeanor and felony cases and issue search warrants; permitting compensation therefor to be paid out of the general fund of the county treasury.

Also:

H. 1801. To provide that the Planning Commission of the City of Huntsville, Alabama, created pursuant to Title 37, Section 788, 1940 Code of Alabama, shall consist of twelve (12) members, as herein provided; to provide that adoption or amendment of any plan shall be carried by the affirmative votes of not less than eight (8) members; to provide that six (6) members of the Commission shall constitute a quorum; and to provide that the approval of any subdivision, and the passage of any question before the Commission, other than the adoption or amendment of any plan, shall be carried by a majority vote of those members present.

Also:

H. 1868. To amend further Act No. 68, H. 92, First Special Session 1956, an act fixing the compensation of the court of county commissioners, board of revenue, or other like governing body of all counties having populations of not less than 10,660 nor more than 10,900 according to the most recent federal decennial census.

Also:

H. 1800. Relating to Marshall County; requiring the board of registrars to hold voter registration meetings at each high school and college in the county twice a year; and to relieve them of the duty of visiting each precinct.

Also:

H. 1803. To regulate and control the operation and licensing of massage parlors within Cleburne County; and providing penalties for violation.

Also:

H. 1818. Relating to Morgan County, to alter, rearrange and extend the boundary lines and corporate limits of the Town of Falkville.

Also:

H. 1819. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to appropriate not more than 1¢ per person according to the 1970 federal decennial census for celebrating the bicentennial observance during the fiscal year 1975-76.

Also:

H. 1469. To propose an amendment to the Constitution of Alabama which, if approved by the electors of Shelby County, would authorize the Legislature, by general or local law, to provide for the creation, incorporation, organization, operation, administration and financing of one or more local districts within Shelby County as public corporations to provide local public services, including the fighting and prevention of fires, furnishing water, the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes, the operation of emergency medical services, including rescue and ambulance services, and the guarding and protection of lives and property; to provide for the fixing, levy and collection by such districts of rates, fees and charges for such services, penalties for non-payment and liens upon the property within such district; and to provide for the borrowing of money and the issuance of bonds and other obligations by or on behalf of such districts; and to ratify and confirm any such law enacted by the Legislature at or after its present session but prior to the ratification of the proposed amendment.

REGULAR SESSION
34th Day

3701

Also:

H. 1820. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census to pay \$5.00 to each person attending an official school for election officials and who serve as an election official in the next election following such school.

Also:

H. 1825. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; authorizing the county governing body of such counties to develop and establish a prisoner rehabilitation program which would include a livestock raising and farming area for the purpose of inmates occupying their time in supplementing prison food, and including the leasing or purchasing of land for such purpose and purchasing equipment and supplies incident thereto; providing that the cost for such program be paid out of the county general fund and from funds designated for prisoners' feeding allowance; and prescribing penalties for violations by inmates.

Also:

H. 1858. To apply only in counties having a population of not less than 57,000 nor more than 61,000; providing for service of witness subpoenas by mail.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

BILLS ON SECOND READING

Mr. Smith (B), Vice-Chairman of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 138. To require every person using, operating or driving a motor vehicle upon or over the roads and highways of the State of Alabama to bring said motor vehicle to a complete stop when approaching a church bus, or other vehicle used in transporting persons to and from church, while said church bus or other vehicle used in transporting persons to and from church is engaged in taking on or discharging passengers and prescribing the penalty for violating the provisions of this act.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 1960. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most

recent federal decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

H. 1964. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

S. 365. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

S. 407. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

S. 410. To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

S. 558. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

S. 679. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

S. 680. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

S. 848. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 881. (With Amendment): To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 947. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and

generally to promote the health and welfare of the inhabitants of such counties.

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

S. 1109. To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

S. 1134. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

S. 1135. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

The above bill was read a second time at length as required by the Constitution.

S. 1152. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

S. 1173. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

S. 1255. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Mr. McNair, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 627. To amend Section 14 of Act No. 247, H. 512, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), which act provides for a jury board in Jefferson County so as to allow persons not under twenty-one years and not over seventy years of age to serve as jurors in said county.

S. 905. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

S. 1112. To authorize and provide for the incorporation in each city in the State having a population of 250,000 or more according to the last or any subsequent Federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the State, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation; to specify the powers of such corporation, including the exercise of the power of eminent domain; to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by

such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the State to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that

if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

The above bill was read a second time at length as required by the Constitution.

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

S. 1252. To adopt minimum standard codes for all counties now or hereafter having more than 600,000 population according to the latest federal census; to provide for the revision of these codes; to allow local modification of these codes; to authorize county governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

S. 343. Relating to judicial procedure, and to provide that the selecting and empaneling of juries in all criminal and quasi-criminal cases in the circuit courts in counties having populations of 600,000 or more according to the last or any future federal decennial census, except that the court in its discretion may order the selection of one or two alternate jurors in the manner now prescribed by law for such counties; and to repeal conflicting laws.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 1114. Relating to the City of Montgomery in Montgomery County; to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 130, and ordered same returned to the House with a favorable report.

TO CREATE AND PROVIDE FOR A CONTINUING INTERIM COMMITTEE ON FINANCE AND TAXATION.

On motion of Mr. Merrill, the resolution, S. J. R. 130, was adopted.

RESOLUTION

The following resolution was adopted:

By Mr. Gafford:

H. J. R. 399. NAMNG ACT NO. 524, S. 185, PROVIDING FOR SEMI-PERMANENT LICENSE PLATES, THE "McMILLAN-HINES-DIAL ACT."

WHEREAS, Senator George McMillan, Jr., Representative L. Brooks Hines and Representative Gerald O. Dial worked long and diligently in the passage of Act No. 524, S. 185, providing for semi-permanent license plates, which will result in great savings of money to this state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 524, S. 185, be known as the "McMillan-Hines-Dial Act."

On motion of Mr. Gafford, the rules were suspended and the resolution, H. J. R. 399, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1637. To provide for the salaries and expense allowances of the circuit clerk and register of the circuit court in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

H. 1639. To provide for the salaries of the clerical assistant to the district attorney and the court reporters in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 919. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

Also:

H. 186. Relating to Montgomery County: To authorize and establish the office of warrant magistrate; to provide for the appointment of three warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment of same; to repeal conflicting laws.

Also:

H. 809. To provide that the clerk of the Circuit Court of Bibb County shall be entitled to certain warrant fees in addition to any other compensation or allowances heretofore provided by law.

Also:

H. 1479. Relating to DeKalb County; to provide an additional expense allowance for the chairman and members of the county commission.

Also:

H. 324. Relating to any county having a population of 600,000 or more, according to the most recent decennial census; providing residency requirements for members of the county public school board of education, and for those who vote for candidates in an election for a place on the county school board; and providing that present members shall be exempt from the provisions of this act.

Also:

H. 1536. Relating to all counties having populations of 10,660 inhabitants or less according to the most recent federal decennial census, to provide an additional clerk hire allowance for the tax assessor.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 6. Creating a select committee to study the best method of utilizing the natural resources of Southwest Alabama.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Wyatt:

H. J. R. 400. CONGRATULATING THOMAS B. AND MILDRED HILL ON THEIR FIFTIETH WEDDING ANNIVERSARY.

WHEREAS, Thomas B. "T.B." Hill, Jr. and Mildred Abrams pledged their lives and exchanged the vows of holy matrimony on the altar of love at The First Methodist Church in Talladega, Alabama, on September 22, 1925; and

WHEREAS, this lovely couple were honored by their family and friends on the momentous celebration of their golden wedding anniversary on September 22, 1975; and

WHEREAS, this union has been blest with four fine children: T. Bowen Hill III, William I. Hill II, Mrs. James S. Hickson and Luther A. Hill; and

WHEREAS, during a rainbow span of fifty years their married life has shined as an inspiration to all who know them; and

WHEREAS Mildred and "T.B." throughout their union have worked for the spiritual, cultural and historic enrichment of their community; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mildred and "T.B." Hill, Jr. on their golden anniversary and congratulate them on their sterling example to all.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Mr. and Mrs. Thomas B. Hill, Jr. and each of their children.

On motion of Mr. Wyatt, the rules were suspended and the resolution, H. J. R. 400, was adopted.

Also:

By Mr. Dial:

H. J. R. 401. URGING THE ALABAMA EDUCATION STUDY COMMISSION TO CONDUCT A STUDY OF THE ILLICIT USE OF DRUGS ON PUBLIC SCHOOL PROPERTY AND TO RECOMMEND LEGISLATION AND OTHER MEASURES TO PREVENT SUCH USE OF DRUGS.

WHEREAS, the Legislature of Alabama is cognizant of the crucial problems which the schools of this state face in the area of drug abuse; and

WHEREAS, this body is also aware of the fact that many schools are frequently plagued with student disruption and numerous disciplinary problems; and

WHEREAS, there is a strong indication that all of these problems are interrelated; and

WHEREAS, the Legislature realizes that, while much may and is being done by school administrators to curb the illicit use of drugs, we also know that a real solution to these problems may require far-reaching social changes and also new laws; now, therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do urge the Alabama Education Study Commission to undertake a comprehensive study, on a state-wide basis, of the illicit use and sale of drugs on school property. This study should encompass all of Alabama's public school systems and should include a study of expulsions from the schools and other disciplinary problems growing out of or incident to the use and sale of drugs and convictions of students enrolled in such schools which resulted directly from the use or sale of illegal drugs on school property.

BE IT FURTHER RESOLVED, That a report on the findings of this study be made to the Alabama Legislature not later than the fifteenth legislative day of the 1976 Regular Session of the Legislature, and that such report contain recommendations for legislation, if any legislation is needed, and other preventive and corrective measures needed to improve the conditions in our schools. A copy of such report should also be filed with the State Department of Education and a copy sent to each city and each county board of education in the state.

BE IT FURTHER RESOLVED, That any costs incurred in making this study and reporting thereon shall be paid out of funds of the Alabama Education Study Commission.

BE IT ALSO RESOLVED, That all local school boards, law enforcement officers and court officials handling cases growing out of illicit sale and use of drugs on school grounds cooperate with the Alabama Education Study Commission in its effort to ascertain facts of the situation and arrive at recommendations for improving conditions in our schools.

On motion of Mr. Dial, the rules were suspended and the resolution, H. J. R. 401, was adopted.

Also:

By Mr. Malone:

H. J. R. 402. NAMING THE PORTION OF HIGHWAY 43 WITHIN THE CITY LIMITS OF CHICKASAW, ALABAMA, "PERLOFF BOULEVARD".

WHEREAS the Perloff family has contributed greatly to the Mobile County Community; and

WHEREAS Senator Mayer W. "Mike" Perloff, in particular, has represented ably the needs of his Mobile County constituency; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Highway 43 which is located within the city limits of Chickasaw, Alabama be named the "Perloff Boulevard".

The resolution, H. J. R. 402, was read and referred to the Standing Committee on Rules.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Baker offered the motion to reconsider the bill, H. 1699, and the motion was adopted.

The Clerk was directed to recall the bill, H. 1699, from the Governor's office, where it had been sent for signature.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Owens offered the motion to reconsider the vote by which the House concurred in the Senate amendment to the bill, H. 803, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Messrs. Turnham, Whatley, Higginbotham and McNair:

H. J. R. 403. COMMENDING CLEVELAND L. ADAMS.

WHEREAS, Cleveland L. Adams is the first recipient of the new Southern Textile Chair within the School of Engineering at Auburn University; and

WHEREAS, Cleveland L. Adams has served as Head Professor of the Textile Engineering Department since 1952; and

WHEREAS, he has served the textile industry and the people of Alabama for over fifty years through his teachings and research; and

WHEREAS, Cleveland L. Adams helped organize and nurture the Alabama Textile Education Foundation, the Alabama Textile Operating Executives, and the Phi Psi Textile Honorary Fraternity; and

WHEREAS, Cleveland L. Adams has brought honor and recognition to Alabama, having served as a consultant on textile problems in the United States, Europe, Asia, Africa, Central and South America, and has worked with the United States Agency for International Development, the Regional Export Expansion Council, the National Council for Textile Education, many national engineering firms and international corporations while traveling in 77 countries; and

WHEREAS, he has been a member of the National Defense Executive Resource, the Alabama-Guatemala Partners of the Americas, the American Society for Testing Materials, the National Education Association, the American Society for Quality Control and is a charter member of the Textile Fiber Society; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Cleveland L. Adams for his many achievements and particularly upon becoming the first recipient of the Southern Textile Chair of the School of Engineering at Auburn University.

On motion of Mr. Turnham, the rules were suspended and the resolution, H. J. R. 403, was adopted.

BILLS ON THIRD READING

And the bill:

H. 1430. To provide for creating in every county of the state having a population of 600,000 or more, according to the last or any subsequent federal census, service districts wherein one or more services, facilities and functions described in this Act may be financed, provided or maintained in addition to, or to a greater extent than, such services, facilities and functions are provided or maintained for the entire county; to provide that such services, facilities and functions which may be provided or maintained in such service districts, as aforesaid, shall include

the following services, facilities and functions: (1) fire control, prevention and protection; (2) water supply and disposal systems; (4) solid waste collection and disposal systems; (5) storm sewers; (6) incinerators; (7) recreation facilities; (8) street lighting; (9) police protection; and (10) such other services, facilities and functions as the electors of a service district approve at an election; to provide what territory of the county may be included in such service districts; to provide the procedure for creating such service districts; to provide for the levying of service charges to finance providing and maintaining such services; to provide that the governing body of the county, after a public hearing on the creation of a proposed district may adopt a resolution requesting the probate judge of the county to call an election in the proposed service district on the question of whether such proposed district shall be created; to provide that any such resolution requesting that such election be called shall state the proposed service charge which the governing body of the county shall be authorized to levy if the proposed service district is created; to provide that upon any service district being created at an election then the county governing body shall be authorized to levy the service charge provided for in the election resolution; to provide that such service charges shall be the obligation of the persons to whom such services are furnished or are made available; to provide that the governing body of the county may reduce such service charges; to provide that no service charge shall be increased and that no additional service charge shall be levied unless such increase or such additional service charge has been first approved at an election held in the district; to provide that a service charge may be increased and that an additional service charge may be levied if such increase or such additional service charge has been approved at an election in the district; to provide for the expansion of districts; to authorize the county and any municipality, fire district, garbage district, fire and garbage district, or any other public corporation in the county, to enter into agreements providing for cooperation between the county and such other public corporations in furnishing services provided for by this Act; to provide that this Act shall be cumulative and not restrictive of the powers the laws otherwise confer upon the governing body of any such county.

Having been postponed on the thirty-third legislative day, was taken up.

H. 1430 POSTPONED

On motion of Mr. White, the bill, H. 1430, was postponed to the thirty-fifth legislative day.

AMENDMENT TO H. J. R. 382

Mr. Hill offered the following amendment No. 1 to the resolution, H. J. R. 382, heretofore adopted:

Amend House Joint Resolution No. 382 heretofore filed as follows:

"Instead of the two Houses meeting for the thirty-sixth day on October 9, 1975, they will meet on October 14, 1975.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hill to suspend the rules in order to take up for immediate consideration the amendment No. 1 to the resolution, H. J. R. 382, was lost.

And the amendment was read and referred to the Standing Committee on Rules.

Mr. Hill offered the following amendment No. 2 to the resolution, H. J. R. 382 heretofore adopted:

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Amend House Joint Resolution No. 382 heretofore filed as follows:

"Instead of the two Houses meeting for the thirty-sixth day on October 9, 1975, they will meet on October 14, 1975.

BE IT FURTHER RESOLVED, That the additional days beyond the adjournment provided for in H. J. R. 382 shall be without pay."

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Hill to suspend the rules in order to take up for immediate consideration the amendment No. 2 to the resolution, H. J. R. 382, was lost.

And the amendment was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1697. Relating to counties having populations of not less than 57,000, nor more than 61,000 inhabitants according to the most recent federal decennial census; providing for and prescribing the manner of abating and of reinstating the enforcement in such counties of rules and regulations of the state board of health by the county commission or other governing body of such counties.

Having been postponed on the thirty-third legislative day, was taken up.

H. 1697 POSTPONED

On motion of Mr. Kinsey, the bill, H. 1697, was postponed to the thirty-fifth legislative day.

RESOLUTION

The following resolution was introduced:

By Mr. Coburn:

H. J. R. 404. COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

WHEREAS, former Alabamian John Henry Faulk was associated with CBS Television Network for several years; and

WHEREAS, this Union Springs, Alabama native is now living in the State of Texas and has recently written a book entitled "Fear on Trial," and

WHEREAS, "Fear on Trial" will be dramatized this Thursday, October 2, 1975, on CBS Television; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely commend former Alabamian John Henry Faulk and wish him well with his new book, "Fear on Trial."

On motion of Mr. Coburn, the rules were suspended, and the resolution, H. J. R. 404, was adopted.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1810. To amend Act No. 79 of the Special Session of the Legislature of Alabama of 1966, approved August 17, 1966, (Ala. Acts, 1966 Spe-

cial Session, p. 106 et seq.) as heretofore amended providing in Jefferson County for the creation and maintenance of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes.

Having been postponed on the thirty-third legislative day, was taken up.

Mr. Armstrong offered the following amendment to the bill:

Amend H. B. 1810 by inserting a new Section 2 and renumbering old Section 2 as Section 3 as follows:

Section 2. This act shall have no application and shall not apply to districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes servicing less than 2,400 residential units nor more than 3,000 residential units.

And the amendment was adopted.

Yeas 43; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Coburn, Crawford, Cross, Drake, Goodwin, Greer, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Killian, Lewis, Lutz, Martin, Merrill, Moore (O), Naramore, Pegues, Porter, Reed, Riddick, Roberts, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Whatley, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1810 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 2.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Brindley, Campbell, Carothers, Cates, Cooper, Crawford, Cross, Drake, Glass, Goodwin, Greer, Gregg, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Kennedy, Killian, Lewis, Lutz, McCluskey, Martin, Merrill, Moore (O), Pegues, Plaster, Porter, Reed, Rich, Roberts, Smith (M), Starkey, Trammell, Tucker, Whatley and Williams.

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Nays: Messrs.: McNair and Waggoner.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1847. To apply in counties having population of not less than 36,500 nor more than 39,200 according to the most recent federal decen-

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nial census, designating the number of employees authorized by the sheriff's department, compensation of such employees, and to repeal conflicting laws.

Having been postponed on the thirty-third legislative day, was taken up.

H. 1847 POSTPONED

On motion of Mr. Waggoner, the bill, H. 1847, was postponed to the thirty-fifth legislative day.

And the bill:

H. 1945. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Having been postponed on the thirty-third legislative day, was taken up.

H. 1945 INDEFINITELY POSTPONED

On motion of Mr. Killian, the bill, H. 1945, was indefinitely postponed.

And the bill:

H. 1947. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 52; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Campbell, Carothers, Cates, Coburn, Cooper, Crawford, Cross, Drake, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Hill, Hines, Holmes, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Trammell, Venable, Weeks, Whatley and Williams.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS TEMPORARILY CARRIED OVER

On motion of Mr. White, all bills on the Calendar were temporarily carried over in order to reach the bill, H. 1962.

Yeas 12; Nays 5.

Yeas:

Messrs.: Armstrong, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker, Waggoner and White.

—12

Nays:

Messrs.: Falkenburg, Gafford, Jolly, Moore (O), and Trammell.

—5

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1962. (With Amendments): Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Delete Section 10 of H. B. 1962 on page 11, lines 18 through 27 and substitute in lieu thereof the following words and figures:

"Section 10. (a) The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows: one-half of the proceeds of the tax shall be deposited in a special fund to be called the Health Contingency Fund and shall be allocated by him for distribution and application as hereinafter provided in sub-section (d) hereof.

(b) The remaining one-half of the proceeds of the tax shall be distributed within thirty (30) days after receipt thereof to any public transit authority organized under the provisions of Act No. 933 enacted in the 1971 Regular Session of the Legislature of Alabama as amended, or under the authority of other laws adopted by the Legislature of Alabama, which, during the preceding month operated public mass transit by bus, rail, monorail, or otherwise, within any such county.

(c) In the event there shall be no public transit authority in said county, the tax levied by this Act shall be reduced from four cents (\$0.04) to two cents (\$0.02) and all proceeds shall be distributed to the Health Contingency Fund.

(d) The County Commission or other governing body shall administer the Health Contingency Fund in accordance with the provisions of this subsection (d) of this Section 10, as the health budget control agency of said county under the following procedures;

(1) At least ninety (90) days prior to the beginning of each fiscal year, the Board of Health shall submit to the County Commission or other governing body the proposed budget of the Board of Health for the next fiscal year. The budget shall show all anticipated revenues of the Board of Health for the next fiscal year, and the sources thereof, and the anticipated expenses of operating the Board of Health for such fiscal year. The proposed budget shall contain a statement reciting what appropriations the Board of Health needs for the next fiscal year from the Health Contingency Fund and reciting also the purposes for which the funds ap-

propriated from the Health Contingency Fund for such fiscal year would be used. The Board of Health shall make available to the County Commission, at any time, information the Commission requests regarding the fiscal affairs and operation of the Board of Health.

(2) By the beginning of each fiscal year the County Commission will advise the Board of Health in writing what percentage of the deposits made to the Health Contingency Fund for the next fiscal year the County will appropriate and pay monthly to the Board of Health, which monthly payments shall not be less than Sixty percent (60%) of the total monthly deposits to such Health Contingency Fund. At any time during the fiscal year the County Commission may raise the percentage of such monthly payments paid to the Board of Health on the written application of the said Board addressed to the County Commission. During the fiscal year the Probate Judge shall promptly pay monthly to the Board of Health the monthly payments the said Commission has provided for payment to the said Board.

If the sum of the said deposits to the Health Contingency Fund during a fiscal year exceeds the payments the County Commission approves for payment to the Board of Health during such fiscal year, the excess of the deposits may be used by the County Commission for health or welfare purposes only.

Distributions to the Health Contingency Fund, to the Board of Health, and to the County shall be made on or before the 5th day of the month following the month in which taxes are paid, and at the time of such distribution the Probate Judge shall deliver to the Board of Health and to the County Commission a copy of each report according to which distribution is made. An authorized representative of the Board of Health or the County or the county license inspector shall have the right to inspect the records of the maker of any report, and if by such inspection, or by an amended report of the distributor or seller, or otherwise, it be disclosed that because of any error in said report the Board of Health or the County Treasury has received a greater or lesser sum than that to which it be entitled under the provisions, hereof, then said error in distribution shall be corrected upon making subsequent monthly distribution by adding or subtracting the amounts of said deficiency or excess to or from the sums due to be distributed to said Board of Health or the county treasury on said monthly distribution dates; provided, however, that no such error shall be corrected more than two years after the making of such report."

AMENDMENT TABLED

On motion of Mr. White, the amendment No. 1 reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 1962, was tabled.

Yeas 12; Nays 0.

Yeas:

Messrs.: Armstrong, Falkenburg, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker and White.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 147. To limit the use of public road and bridge funds of DeKalb County.

Also:

S. 157. To amend Section 2 of Act No. 992, S. 710, Regular Session 1969 (Acts 1969, p. 1756) relating to the county superintendent of education of Crenshaw County, so as to further regulate his compensation.

Also:

S. 158. Relating to law enforcement in Crenshaw County; fixing the fee for the issuance of pistol permits, providing for the deposit of such fees in a fund to be designated the sheriff's fund and providing for the use of such fund.

Also:

S. 260. To amend further Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," in order to exclude certain lands from the corporate limits of the Town.

Also:

S. 387. Providing that the Probate Judge of Randolph County shall appoint one or more regular clerks in the probate office as deputy registrars empowered to take applications for voter registration at any time the probate office is open for business.

Also:

S. 389. Relating to Randolph County: providing further for the compensation of election officials.

Also:

S. 476. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Also:

S. 532. To authorize the county commissions of all counties having populations of not less than 17,000 nor more than 20,000 to provide for the relief of Dan Powell to pay for dentist bills incurred to a broken tooth received while working for the county.

Also:

S. 603. To amend Section 1 of Act No. 738, H. 1842, 1973 Regular Session (Acts of 1973, p. 1098), entitled, "To revise and re-enact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol. IV), en-

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titled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Also:

S. 604. Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the intermediate court.

Also:

S. 630. To create the office of Deputy District Attorney No. 5 of the Sixth Judicial Circuit and provide for the appointment, duties and compensation of such office.

Also:

S. 631. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

S. 664. Relating to Randolph County; providing for a stenographic secretary for the tax assessor and tax collector.

Also:

S. 665. To provide for the compensation of jurors in Randolph County.

Also:

S. 861. To establish the Employees' Retirement System of the City of Montgomery; to prescribe procedure for the administration of said system and to provide for retroactive effect to May 1, 1969.

Also:

S. 875. Relating to DeKalb County, amending Act No. 376, S. 577, Regular Session 1971 (Acts 1971, p. 669), which act provides an expense allowance for the board of equalization, so as to increase said allowance for the members of said board.

Also:

S. 876. To create the scholarship and loan commission of DeKalb County for the purpose of providing loans and scholarships to residents of DeKalb County who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this act.

Also:

S. 877. To amend Act No. 218, H. 708, 1973 Regular Session, which authorizes the governing body of DeKalb County to designate and set up certain projects relating to construction of roads and bridges in DeKalb

County, amending Sections 1 and 2 so as to redefine certain terms and to delete the provision restricting certain expenditures for betterment projects and to provide that under certain conditions the state highway director may veto a project approved by the county commission.

Also:

S. 878. Relating to DeKalb County; providing for the salary of the chairman of the county governing body.

Also:

S. 879. Regulating nighttime hunting in DeKalb County; authorizing the taking, catching or killing of raccoons and o'possums under certain conditions and by certain means.

Also:

S. 880. Relating to DeKalb County; to provide that the next election of members of the county commission or other like governing body shall be the general election of 1978; to provide that those members of said commission or other like governing body who were elected in the general election of 1974 shall continue to serve until their successors are elected and qualified and to repeal all conflicting statutes.

Also:

S. 898. Relating to Morgan County; to amend the title and section 11 of Act No. 261, S. 431, Regular Session 1973 (Acts of 1973, p. 294), which act provides for the consolidation of the offices of the county tax assessor and tax collector into one office of county revenue commissioner, so as to clarify the title and to provide for a county referendum vote upon said act.

Also:

S. 926. Relating to all counties having a population of not less than 75,000 nor more than 90,000 inhabitants according to the most recent federal decennial census; granting to corporations organized under and pursuant to the provisions of Act No. 218, adopted at the 1967 Special Session of the Legislature of Alabama, approved May 10, 1967, as amended, the authority to appoint and employ suitable persons to act as police officers to keep off intruders and prevent trespass upon and damage to the property and grounds of the corporation and to apprehend those violating applicable laws and ordinances on or near such property and grounds of the corporation and upon any public ways contiguous to any part of such property and grounds; charging and investing such persons with the duties and powers of police officers when acting as authorized by the Act and granting to such officers the authority to eject trespassers from corporation buildings and grounds; providing the authority and procedure for arrest and prosecution of offenders by such officers, with and without warrant; providing for the jurisdiction of such officers granted by the Act to be co-extensive with the jurisdiction and authority of police officers of the municipality within which the buildings and grounds of the corporation are located; exempting such officers from the terms, provisions, and conditions of Act No. 1891, adopted at the 1971 Regular Session of the Legislature of Alabama, approved September 20, 1971, as amended; providing that the Act shall be construed liberally; and providing for the severability of the provisions of the Act, and for its effective date.

Also:

S. 928. Relating to Chilton County; to change the method of compensating the judge of probate, the tax assessor, the tax collector, the

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clerk of the circuit court and the register of the circuit court; and to fix the compensation for each of such officers, subject to the ratification of a constitutional amendment.

Also:

S. 931. To provide an expense allowance for the Judge of the Court of Law and Equity in Chilton County.

Also:

S. 934. Relating to Morgan County; to allow the probate judge's office to close upon authorization by the county commission.

Also:

S. 935. Relating to Morgan County; to provide for the location of the offices of the county board of education.

Also:

S. 936. To require the Probate Judge of Morgan County to decline to receive for record in his office any map or plat upon which any lands lying within Morgan County but outside the corporate limits of any municipality with a planning commission or planning board are platted or mapped as streets, alleys or other public ways for subdivision purposes or otherwise unless such map or plat shall have noted thereon the approval of the Morgan County engineer. If, however, said lands be within the corporate limits and police jurisdiction of a municipality with a planning commission or planning board there must be noted thereon the approval of the municipal governing body or municipal engineer.

Also:

S. 937. To amend Sections 3, 16, and 17 of Act No. 129, S. 97, Regular Session 1939, (Local Acts 1939, p. 70) creating the county governing body of Morgan County so as to further provide for meetings of the commission, filling of vacancies and funds from which salaries are paid.

Also:

S. 943. To provide an expense allowance for the Court Reporter of the Court of Law and Equity in Chilton County.

Also:

S. 1021. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 50,000 nor more than 52,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Also:

S. 1048. Relating to DeKalb County; providing that the salary of the Deputy District Attorney (County Solicitor) paid by DeKalb County shall be set by the County Commission at not more than \$15,000.00 nor less

than \$10,000.00 per year; further providing that the office of Deputy District Attorney is to be a full-time job, and the Deputy District Attorney may not do any work as an attorney or receive any fees from legal work done outside of his duties as Deputy District Attorney.

Also:

S. 1106. To Amend Code of Alabama 1940, Title 2, Section 606, as amended, so as to allow the sale of milk in three quart containers.

Also:

S. 1110. To authorize the dissolution of District Number One Tuberculosis Sanatorium Authority, a public corporation organized under the provisions of Act Number 914 enacted at the 1961 Regular Session of the Legislature of Alabama; to provide for the distribution of the funds of the authority to the several counties making original contributions to the Trustees of said District Number One Sanatorium in the amounts contributed; and to provide for the withholding by the Authority of an estimated amount sufficient to meet any potential unemployment and contingent claims, and for the distribution of all other funds to the several counties, making subsequent contributions to the operation of the sanatorium, in the ratios that the contribution of each bore to the total contributions of all, and then final distribution of any remaining funds not needed to pay unemployment and contingent claims, within two years after the passage of this act in the same percentages.

Also:

S. 1115. To authorize establishment of branch banks in Monroe County.

Also:

S. 932. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Chilton County; and to fix and regulate the costs and charges of courts.

Also:

S. J. R. 131. Commending Dean Pierce for 20 years as Dean of Education at Auburn.

Also:

S. J. R. 134. Commending the Alabama Country Gospel Music Association.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolution, your signature there-to is requested:

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S. 707. To amend Section 3.04 and 4.03 of Act No. 618, Acts of Alabama 1973, page 879, relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000, so as to require council members to reside in the district which they represent, and to require the mayor to be a full time official who shall not draw any other compensation from any source other than disability compensation or a retirement pension.

Also:

S. 190. To repeal Section 6 of Title 2 of the Code of Alabama of 1940 which prohibits the buying, selling or other trading in, and the movement or transportation, of certain farm products after the hour of sunset and before the hour of sunrise.

Also:

S. 192. To amend Sections 3, 6 and 7 of Act No. 424, H. 413, Legislature of 1963, Regular Session, approved September 2, 1963 (Acts of 1963, Vol. 2, p. 931), as amended, an Act to regulate the labeling, sale and offering or exposing for sale or distribution of agricultural, vegetable, flower, tree, shrub and herb seeds, etc.; to amend Section 3 of said Act No. 424 to prescribe the time of the test to determine the percentage of germination for agricultural and vegetable seed sold or offered for sale or distributed in hermetically sealed containers; to amend Section 6 of said Act No. 424 to require invoices of certain sales of seed sold at retail to be furnished to the buyer and that a record thereof with certain information thereon be kept by the seller; and to amend Section 7 of said Act No. 424 to authorize the adoption of rules and regulations governing the sale of seed that are subject to the provisions of the "Plant Variety Protection Act" of the Congress of the United States.

Also:

S. 446. To amend Act 404, Acts of Alabama, Regular Session, 1945, page 643, to provide that an association or associations of farmers engaged in multiplying and certifying seed or plant parts of a superior variety or strain and in increasing breeder seed by producing, processing and distributing foundation seed, may adopt symbols for such seed and register them with the Commissioner of Agriculture and Industries; to make it unlawful for any person, firm, association or corporation to sell, offer for sale, or otherwise distribute or market foundation seed for any one specified crop, other than the association which registered the symbol or symbols thereof with the State Commissioner of Agriculture and Industries; to authorize and direct the Department of Agriculture and Industries, the Alabama Cooperative Extension Service, and the Alabama Agricultural Experiment Station, to cooperate and coordinate with such associations of farmers to implement and conduct a seed improvement program, and to conduct educational programs stressing the benefits of the use of superior seed varieties.

Also:

S. 701. To further amend, and to revise and re-enact Title 22, Chapter 2, of the Code of Alabama of 1940 to provide further and more adequately for the protection against rabies.

Also:

S. J. R. 137. Mourning the death of D. C. ("Deacon") Grey.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolution, the titles of which are set out in the above and foregoing Message from the Senate.

H. 1962 RESUMED

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 1962, Section 2, subsection (g) line 15, page 2, by deleting the figure "400,000", and inserting in lieu thereof the following figure: "600,000".

And the amendment was adopted.

Yeas 12; Nays 0.

Yeas:

Messrs.: Armstrong, Boles, Falkenburg, Hall, Harrison, Howard, Jackson (R), Leonard, McNair, Porter, Waggoner and White.

—12

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 1962, Section 7, p. 8, line 33, by deleting the figure "9", and inserting in lieu thereof the figure "10".

And the amendment was adopted.

Yeas 13; Nays 0.

Yeas:

Messrs.: Biddle, Falkenburg, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker, Waggoner and White.

—13

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 4 reported by the Standing Committee on Local Legislation No. 2, said committee amendment being as follows:

Amend H. B. 1962 on Page 10, Line 24, by striking out the words "and act" after the word "act".

And the amendment was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.: Andrews, Biddle, Boles, Falkenburg, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, Porter, Sonnier, Tucker, Waggoner and White.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. White offered the following amendment No. 1 to the bill, H. 1962 as amended:

Amend H. B. 1962 by adding after Section 12 a new Section 13 and renumber the present Section 13 as Section 14 and renumber the remaining Sections. The new Section 13 shall read as follows:

"Section 13. The first three hundred twenty-five thousand (\$325,000) Dollars collected under this bill shall be deposited and held in a special fund to be called the Handicapped Contingency Fund, such deposits to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be distributed and applied as follows:

(a) The \$325,000.00 deposit shall only occur one time and shall lapse after \$325,000.00 has been deposited in the Handicapped Contingency Fund.

(b) If there exists in any such county a public school devoted exclusively to the education of handicapped and retarded children and further if such school has not received from any other public source funds to upgrade and renovate the physical facilities of any such school within nine months after the effective date of this Act, then the three hundred twenty-five thousand dollars (\$325,000.00) shall be paid out by the Treasurer of the county upon submission of proper invoices showing completion of such upgrading and renovating work.

(c) If no such public school for handicapped or retarded children exists or if such school receives funds from any other public source then such deposit provided for in this Section shall be divided equally between the Health Contingency Fund and the Mass Transit Contingency Fund."

And the amendment was adopted.

Yeas 14; Nays 0.

Yeas:

Messrs.: Biddle, Hall, Harrison, Hilliard, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Sonnier, Tucker, Waggoner and White.

—14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. White offered the following amendment No. 2 to the bill, H. 1962 as amended:

Delete Section 10 of H. B. 1962 on page 11, lines 18 through 27 and substitute in lieu thereof the following words and figures:

"Section 10. (a) The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows: (1) Under the provisions of Section 13, (2) One-half of the remaining proceeds of the tax shall be deposited in a special fund to be called the Health Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be distributed and applied as hereinafter provided in subsection (d) hereof.

(b) The remaining one-half of the proceeds of the tax shall be deposited within thirty (30) days after receipt thereof in a special fund to be called the Mass Transit Contingency Fund, such deposit to be allocated between and credited to the county and to each municipality therein on the basis of the ratio of the population of the unincorporated territory in the county and each of the various municipalities bears to the total county population according to the most recent Federal census, and shall be and paid forthwith from such fund to any public transit authority organized under the provisions of Act No. 933 enacted in the 1971 Regular Session of the Legislature of Alabama as amended, or under the authority of other laws adopted by the Legislature of Alabama, which, during the preceding month operated public mass transit by bus, rail, monorail, or otherwise, within any such county.

(c) In the event there shall be no public transit authority in said county, the tax levied by this Act shall be reduced from four cents (\$0.04) to two cents (\$0.02) and all proceeds shall be distributed to the Health Contingency Fund.

(d) The County Commission or other governing body shall administer the Health Contingency Fund in accordance with the provisions of this subsection (d) of this Section 10, as the health budget control agency of said county under the following procedures;

(1) At least ninety (90) days prior to the beginning of each fiscal year, the Board of Health shall submit to the County Commission or other governing body the proposed budget of the Board of Health for the next fiscal year. The budget shall show all anticipated revenues of the Board of Health for the next fiscal year, and the sources thereof, and the anticipated expenses of operating the Board of Health for such fiscal year. The proposed budget shall contain a statement reciting what appropriations the Board of Health needs for the next fiscal year from the Health Contingency Fund and reciting also the purposes for which the funds appropriated from the Health Contingency Fund for such fiscal year would be used. The Board of Health shall make available to the County Commission, at any time, information the Commission requests regarding the fiscal affairs and operation of the Board of Health.

(2) By the beginning of each fiscal year the County Commission will advise the Board of Health in writing what percentage of the deposits made to the Health Contingency Fund for the next fiscal year the County will appropriate and pay monthly to the Board of Health, which monthly payments shall not be less than Sixty percent (60%) of the total monthly

deposits to such Health Contingency Fund. At any time during the fiscal year the County Commission may raise the percentage of such monthly payments paid to the Board of Health on the written application of the said Board addressed to the County Commission. During the fiscal year the Probate Judge shall promptly pay monthly to the Board of Health the monthly payments the said Commission has provided for payment to the said Board.

If the sum of the said deposits to the Health Contingency Fund during a fiscal year exceeds the payments the County Commission approves for payment to the Board of Health during such fiscal year, the excess of the deposits may be used by the County Commission for health or welfare purposes only.

Distributions to the Health Contingency Fund, to the Board of Health, and to the County shall be made on or before the 5th day of the month following the month in which taxes are paid, and at the time of such distribution the Probate Judge shall deliver to the Board of Health and to the County Commission a copy of each report according to which distribution is made. An authorized representative of the Board of Health or the County or the county license inspector shall have the right to inspect the records of the maker of any report, and if by such inspection, or by an amended report of the distributor or seller, or otherwise, it be disclosed that because of any error in said report the Board of Health or the County Treasury has received a greater or lesser sum than that to which it be entitled under the provisions, hereof, then said error in distribution shall be corrected upon making subsequent monthly distribution by adding or subtracting the amounts of said deficiency or excess to or from the sums due to be distributed to said Board of Health or the county treasury on said monthly distribution dates; provided, however, that no such error shall be corrected more than two years after the making of such report."

And the amendment was adopted.

Yeas 15; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Falkenburg, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Sonnier, Tucker, Waggoner and White.

—15

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Moore (O) offered the following substitute to the bill, H. 1962 as amended:

A BILL TO BE ENTITLED AN ACT

Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only in those counties having populations of not less than 600,000 inhabitants, according to the most recent federal decennial census.

Section 2. Unless the context clearly indicates a different meaning, the following words and phrases whenever used in this act shall have the meanings respectively ascribed to them in this Section. (a) The term "person" means and includes every natural person, firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof, singular or plural. (b) The term "wholesale dealer" and "jobber" means and includes any person who sells or delivers within a county subject to the provisions of this act, at wholesale only, cigarettes to licensed retail dealers for the purpose of resale. (c) The term "retail dealer" means and includes every person, other than a wholesale dealer, who sells or delivers within a county subject to the provisions of this act any cigarettes and all persons operating under a retail dealer's license. (d) The term "dealer" means any wholesale or retail dealer as herein defined. (e) The term "storer" means any person who ships or causes to be shipped or receives cigarettes in any county subject to the provisions of this act who stores the same in any manner and/or uses the same for any purpose other than for resale or reshipment outside a county subject to the provisions of this act. (f) The term "stamps" means the stamp or stamps by use of which the tax is levied under this statute is paid. (g) The terms "county", "said county", or "such county" means any county in the state of Alabama with a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal census. (h) The term "sale" means and includes any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, or for a consideration, or any agreement therefor, including rewards, prizes, or premiums, of cigarettes given as a result of operation on punch boards, shooting galleries, and/or any other activity. (i) The term "cigarette" means and includes (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco, and (2) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in subsection (1) above. The masculine gender shall include the feminine and neuter gender. Whenever the context requires, the plural shall include the singular, and the singular the plural.

Section 3. In addition to all other taxes now imposed by law, every person who sells, stores, or delivers any cigarettes in any county subject to the provisions of this act, shall pay a license tax to the county, subject to the provisions of this act, and a license tax is hereby fixed, created and levied in the amount of five cents (\$0.05) on each package of cigarettes containing not more than 20 cigarettes and five cents (\$0.05) for each additional 20 cigarettes or fractional part thereof in such package sold, stored, or received for the purpose of distribution or sale to any person, firm, corporation, club, or association within such county; Provided, however, on each package of cigarettes containing five or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five or less cigarettes are packed in cartons by the manufacturer there is hereby fixed, created and levied a license tax in the amount of five cents (\$0.05) for each 20 cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided, and shall be affixed to the outside of the carton at the rate of five cents (\$0.05) for each 20 cigarettes or fractional part thereof contained or packaged in such carton. Such stamps shall be cancelled in the same

manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of the dealer or wholesaler, or other person responsible for the distribution of such sample packages of cigarettes, along with the date the stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to barter, any cigarettes that were packaged by the manufacturer and intended for sampling purposes; provided, however, that when the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes.

Section 4. Every person, firm, corporation, club, or association that sells or stores or receives for the purpose of distribution any articles containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person, firm, corporation, club, or association who sells or stores or receives for the purpose of distributing the articles enumerated herein acting merely as agent of the county for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof. Any person, firm, corporation, club, or association violating any of the provisions of this Section shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars or imprisoned in the county jail for not more than sixty days, or by both such fine and imprisonment; each act in violation of this Section shall constitute a separate offense.

Section 5. The County Commission, Board of Revenue, or other governing body of said county, subject to the provisions of this act, is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes subject to this act. The stamps shall be delivered to the probate judge of said County, who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes subject to the tax herein levied. Each stamp shall have inscribed thereon the words "_____ (name of the particular county) County Cigarettes Tax," but such words need not be arranged in the foregoing order and may be abbreviated. Said stamps may be sold to the wholesale dealer by the probate judge at the reduced price of ninety percent of the full amount thereof, the reduced price from the full amount representing compensation to the wholesale dealer for the labor of affixing them to each package of cigarettes. All other persons except such wholesale dealer must pay the full amount of the stamps.

Section 6. Method and time of affixing stamps; unsalable cigarettes.
(a) Before any cigarettes shall be sold or delivered within the limits of any county subject to the provisions of this subdivision by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes a stamp or stamps obtained from the probate judge of the county in the amount set out in this subdivision in payment of the license taxes imposed by this statute. Every dealer shall within one hour after the receipt of any cigarettes within said county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed as hereinabove stated and cause the same to be cancelled by writing or stamping

across the face of each stamp a registered number furnished such dealer by the probate judge of such county. After such stamping has been begun it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes have been stamped and the stamps cancelled as herein provided but no stamps required to be affixed to any package of cigarettes shall, after the same has been affixed as herein provided be again used in payment of any part of the tax levied under this statute. Such stamp shall be affixed to each individual package of cigarettes in such a manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when such package is opened. (b) Provided, however, that where stamps have been mutilated, damaged or otherwise made unusable in being affixed to the cigarettes, the wholesale dealer to receive credit for such mutilated, damaged or otherwise unusable stamps shall make an affidavit in duplicate, one to be delivered to the license inspector and one to the probate judge of the county, such affidavit to state the cause or reason such stamps were mutilated, damaged, or otherwise made unusable, and such stamps must be inspected by the license inspector and when found to be as set out in the wholesaler's affidavit certify that he found such affidavit true and correct. The probate judge shall, after the affidavit of the wholesaler is certified to by the license inspector, forthwith give the wholesaler credit for or the equivalent amount and number of mutilated, damaged or otherwise unusable stamps. Provided, further, that where cigarettes become unsalable due to the deterioration, molding, burning, aging or any other cause or causes, and cigarette tax stamps have been previously affixed to such package or packages of cigarettes and such package or packages are in the possession of the wholesale dealer, the wholesale dealer may file an application under oath with the probate judge for a refund or for the equivalent amount and number of unsalable cigarette tax stamps, such application to be on forms provided by the probate judge and approved by the license inspector. The Board of Revenue, County Commission, or other governing body of such county is hereby authorized to adopt rules and regulations upon the recommendation of the probate judge or license inspector consistent with the intent of this subsection to assist and guide the efforts of the probate judge and license inspector in performing the duties as required of them in this subsection. Such rules and regulations may require the furnishing of any affidavits, invoices or other supporting data or memoranda.

Section 7. Invoices and records required; report of receipt of unstamped cigarettes; obstructing license inspector; seizure and condemnation of unstamped cigarettes. Every wholesale dealer shall at the time of selling and/or delivering any cigarettes into a county subject to the provisions of this act make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such cigarettes and shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of selling and/or delivering such cigarettes into a county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of cigarettes in such counties not subject to the provisions of this act but shall not include or be required to include sales of other articles or sales of cigarettes into counties subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such cigarettes into counties not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the license inspector or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid cigarettes and hold all books, records, cancelled checks and all other memoranda per-

taining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the license inspector or his duly authorized deputy and for any authorized representative or any municipality in the county, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes, books, records, and memoranda at all reasonable times. Any person who purchases and/or receives, in any manner whatsoever, any cigarettes which do not have affixed a stamp required by this statute shall within three (3) days after receipt of such cigarettes report the receipt and purchase of same to the license inspector, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes so purchased or received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the license inspector or such deputy of any authorized municipal representative in the exercise of the power and authority conferred by this statute. The license inspector shall have authority to seize without warrant any and all packages of cigarettes not properly stamped as provided by this act, provided that this provision shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into a county not subject to the provisions of this act. After such seizure of any unstamped or improperly stamped cigarettes, such unstamped or improperly stamped cigarettes is hereby declared to be contraband goods, and upon such confiscation shall be delivered to the license inspector for sale at public auction to the highest bidder after due advertisement; the license inspector may deliver such cigarettes to the county purchasing agent to be sold at public auction as herein provided; the proceeds of the sale of any such cigarettes sold hereunder after paying all costs shall be distributed as provided under Section 9 of this act. The license inspector or his agent or any officer making the seizure shall proceed as follows: First, he shall cause a list containing a particular description of the cigarettes seized showing the quantity of each brand, the date or dates on which confiscated, and the person or persons from whom confiscated, to be prepared in duplicate. The said license inspector or officer shall proceed to post a notice for three weeks in writing at three places in the county that the seizure was made, describing the cigarettes seized, the quantity of each brand and stating the time and place and cause of their seizure, and requiring any person claiming such cigarettes to appear and make such claim within twenty-one days from the date of the first posting of such notice. Second, any person claiming such cigarettes so seized as contraband within the time specified in the notice may file with the license inspector a claim in writing stating his interest in the articles seized, and shall execute a bond to the license inspector in the penal sum equal to double the value of the cigarettes so seized, but in no case shall the said bond be less than the sum of \$100 \$600 with sureties to be approved by the license inspector conditioned that in the case of condemnation of the cigarettes products the obligor shall pay to the license inspector the full value of the cigarettes so seized and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. Upon the delivery of such bond to the license inspector, he shall transmit the same with the duplicate list or description of the cigarettes so seized to the county attorney or to the solicitor of the county, and the said county attorney or solicitor shall file a bill in the Circuit Court in Equity to secure the forfeiture of said cigarettes and containers in which seized. Upon filing the bond as aforesaid the said cigarettes shall be delivered to the claimant pending the outcome of said case; provided, however, the proper license tax must be paid by the claimant before said cigarettes are delivered to him by the license inspector. Third, if no claim is interposed or no bond given within the time aboved specified, such cigarettes shall be forfeited without further proceedings and the same shall be sold as herein provided. The pro-

ceedings against such cigarettes pursuant to the provisions of this section shall be considered as proceedings in rem.

Section 8. Among others the following acts and omissions shall be unlawful: (a) It shall be unlawful for any person required by this statute to affix stamps to cigarettes to fail to affix such stamps or to cancel stamps in the manner or within the time required by this statute. (b) It shall be unlawful for any person to sell, offer for sale, or deliver within a county subject to the provisions of this act any cigarettes to which stamps have not been affixed and cancelled as provided by this statute. (c) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes not properly stamped as required by this act for more than six hours after receipt of such cigarettes on the premises of such person, provided that this subsection shall not apply to cigarettes in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and act and which products are actually so resold or reshipped. (d) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to attempt any reproduction or counterfeit of the stamps provided for in this statute or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (e) It shall be unlawful to remove from a package of cigarettes or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to reuse any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as the probate judge to sell any stamp provided for herein. (f) It shall be unlawful to reuse or refill with cigarettes any package from which cigarettes theretofore tax paid have been removed.

Section 9. (a) None of the provisions of this act shall be applied in such manner as to be violations of the commerce or other clauses of the Federal or State Constitution (b). This statute shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside a county subject to the provisions of this act which are actually so resold or reshipped.

Section 10. The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows. Three-Fourths of the proceeds of the tax shall be distributed to the county health department; and the remaining one-fourth of said proceeds shall be distributed to a county operated transit authority or a joint county-municipal transit authority, as designated by the county governing body. The probate judge shall distribute the tax on or before the 10th day of the month following the receipt thereof.

Section 11. If, in any county in which this act may become operative, there is a commissioner of licenses, then, and in that event, all of the powers, authorities, and duties which, by the terms of this act, are vested or placed upon the probate judge, shall, in such counties, be vested in and be placed upon the commissioner of licenses.

Section 12. Penalty; duty of license inspector; license inspector and probate judge not entitled to compensation. Any person violating any provision of this act or doing any act made unlawful by the terms of this act shall be guilty of a misdemeanor, except as herein otherwise provided, and shall upon conviction be punished by a fine of not more than \$500.00

and may also be sentenced to hard labor for the county for not more than six months, either or both. Provided, however, any person who manufactures, buys, sells, offers for sale or has in his or its possession any reproduction or counterfeit of cigarette stamps provided for herein shall be guilty of a felony and upon conviction shall be punished by imprisonment in the penitentiary for not less than a year and a day nor more than five years, and in addition may be fined not less than \$1,000 nor more than \$5,000. It shall be the duty of the license inspector to enforce the provisions of this act and to check the records of any such person subject to the license tax imposed by this act. Neither the license inspector nor probate judge shall be entitled to any compensation for any duty imposed upon him by this act.

Section 13. The provisions of this act are cumulative and shall not be construed to repeal or supercede any laws not directly inconsistent herewith.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE TABLED

On motion of Mr. White, the substitute offered by Mr. Moore (O) to the bill, H. 1962 as amended, was tabled.

Yeas 13; Nays 3.

Yeas:

Messrs.: Armstrong, Hall, Harrison, Hilliard, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Tucker, Waggoner and White.

—13

Nays:

Messrs.: Boles, Moore (O) and Trammell.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Jackson (R) as co-sponsor to the bill, H. 1962.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. White, the motion offered by Mr. Boles to temporarily carry over the bill, H. 1962 as amended, was tabled.

Yeas 13; Nays 3.

Yeas:

Messrs.: Armstrong, Hall, Harrison, Hilliard, Howard, Jackson (R), Jolly, Leonard, McNair, Porter, Tucker, Waggoner and White.

—13

Nays: Messrs.: Boles, Moore (O) and Trammel.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

Mr. Boles offered the following amendment to the bill, H. 1962 as amended:

Amend Section 10 of H. B. 1962 by deleting in its entirety and substituting in lieu thereof the following:

"Section 10. The license tax required by this act through the purchase of cigarette stamps from the probate judge shall be received by him and shall be distributed by him as follows: one-half of the proceeds of the tax shall be distributed to the county health department; and one-fourth of said proceeds shall be distributed to a county operated transit authority or a joint county-municipal transit authority, as designated by the county governing body; and one fourth shall be distributed by the probate judge to the county governing body and each municipality within the county to be spent solely for employee benefits such as pensions and health insurance. Distribution will be on a proportional basis according to the last federal census; the probate judge shall distribute the tax on or before the 10th day of the month following the receipt thereof."

AMENDMENT TABLED

On motion of Mr. White, the amendment offered by Mr. Boles to the bill, H. 1962 as amended, was tabled.

Yeas 10; Nays 7.

Yeas:

Messrs.: Armstrong, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker and White.

—10

Nays:

Messrs.: Biddle, Boles, Hall, Jolly, Moore (O), Trammell and Waggoner.

—7

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1962 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 12; Nays 6.

Yeas:

Messrs.: Andrews, Armstrong, Hall, Harrison, Hilliard, Howard, Jackson (R), Leonard, McNair, Porter, Tucker and White.

—12

Nays:

Messrs.: Boles, Falkenburg, Gafford, Jolly, Moore (O) and Trammell.

—6

34th Day

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Tucker, Hilliard, Harrison, Howard and Porter as co-sponsors to the bill, H. 1962.

REPORT OF COMMITTEE OF CONFERENCE

ON HOUSE BILL 786

We, the committee of conference appointed to reconcile the differences between the two houses concerning the bill, H. B. 786, have met and considered the matter referred and beg leave to report as follows:

That a majority of the conferees from each House are unable to agree. We recommend that this Committee be discharged and request that another committee be appointed.

MIKE PERLOFF

J. W. NOONAN

Senate Conferees

KEN MALONE

J. G. COOPER

H. L. CALLAHAN

House Conferees

MOTION TO ADOPT REPORT OF CONFERENCE COMMITTEE

Mr. Malone offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 786, said Report being set out in the above and foregoing Report of the Committee on Conference.

DIVISION OF THE QUESTION

Mr. Callahan called for the Division of the Question.

COMMITTEE ON CONFERENCE DISCHARGED

On motion of Mr. Malone, the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the bill, H. 786, was discharged.

Yeas 8; Nays 0.

Yeas:

Messrs.: Callahan, Cooper, Glass, Johnstone, Kennedy, McMillan, Malone and Sonnier.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE MOTION TABLED

On motion of Mr. Malone, the substitute motion offered by Mr. Callahan that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 786, was tabled.

Yeas 7; Nays 3.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, McCulley and Malone.

—7

Nays: Messrs.: Callahan, McMillan and Sonnier.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO APPOINT NEW COMMITTEE ON CONFERENCE

Mr. Malone offered the motion that a new Committee on Conference be appointed to reconcile the disagreement of the two Houses on the Senate amendment to the bill, H. 786, and the motion was adopted.

Yeas 7; Nays 3.

Yeas:

Messrs.: Cooper, Glass, Johnstone, Kennedy, LeFlore, McCulley and Malone.

—7

Nays: Messrs.: Callahan, McMillan and Sonnier.

—3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 1699 RECONSIDERED

And the bill:

H. 1699. To propose and provide for the submission to the qualified electors of the State of Alabama of an amendment to the Constitution of Alabama (a) authorizing each school district in Russell County to levy and collect a tax of eight mills on each dollar of taxable property in each district when approved by the qualified electors thereof; (b) providing that the tax year commencing October 1, 1982, is the first year for which each such district tax may be levied; and (c) repealing, effective October 1, 1982, the constitutional amendment known as CXXIV which authorizes an eight mill countywide tax for public school purposes in Russell County.

Having been recalled from the Governor's office where it was sent for signature, was taken up.

H. 1699 INDEFINITELY POSTPONED

On motion of Mr. Baker, the bill, H. 1699, was indefinitely postponed.

Yeas 10; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Carter, Folmar, Greer, Lutz, Rich, Smith (M) and Whatley.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

H. 803 RECONSIDERED

And the bill:

H. 803. To amend Sections 6, and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

Was taken up.

HOUSE NON-CONCURS IN SENATE AMENDMENT

Having voted on the prevailing side and previously offered a motion to reconsider the vote by which the House concurred in and adopted the Senate amendment, Mr. Owens offered the motion that the House non-concur in the Senate amendment to the bill, H. 803, and request a Committee on Conference, and the motion was adopted.

Yeas 2; Nays 0.

Yeas: Mr. Speaker and Owens.

—2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BILLS ON THIRD READING RESUMED

And the bill:

H. 1689. To authorize and provide for the incorporation in each city in the state having a population of 250,000 or more according to the last or any subsequent Federal Census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the state, and to promote interests in sports, and amusements; to provide for the election or appointment of Directors and Officers of such corporation: To specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such

corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the state to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, PP. 224, Et Seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the Directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial Directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Biddle, Campbell, Cates, Coburn, Cooper, Crawford, Edwards, Goodwin, Greer, Gregg, Hall, Johnstone, Jolly, Leon-

ard, Lewis, Lutz, McNees, Merrill, Mitchem, Naramore, Owens, Pegues, Roberts, Smith (M), and Whatley.

—27

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1739. To authorize the county board of education in all counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census to provide transportation for public school pupils, in grades one through twelve, who live less than two miles from the school they are attending if the local county or city superintendent certifies the routes are dangerous or hazardous.

Was taken up.

Mr. Hall offered the following amendment to the bill:

Amend H. B. 1739 by adding the following on line 28 of page one (1) after the word pupils "who reside in the jurisdiction of the county board of education"

And the amendment was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Campbell, Coburn, Crawford, Falkenburg, Ford, Goodwin, Gregg, Hall, Jolly, Kennedy, Lutz, McMillan, Merrill, Mitchem, Morris, Naramore, Owens, Roberts, Smith (M), Trammell, Venable and Whatley.

—25

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1739 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.: Armstrong, Baker, Biddle, Campbell, Coburn, Cooper, Crawford, Falkenburg, Ford, Goodwin, Gregg, Hall, Harrison, Jackson (F), LeFlore, Leonard, Lutz, McMillan, Malone, Merrill, Naramore, Owens, Rich, Roberts, Smith (M), Sonnier, Trammell, Waggoner, Whatley and Wyatt.

—30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1765. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Was taken up.

H. 1765 POSTPONED

On motion of Mr. White, the bill, H. 1765, was postponed to the thirty-fifth legislative day.

And the bill:

S. 794. Relating to the City of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Was read a third time at length and passed.

Yeas 36; Nays 0.

Yeas:

Mr. Speaker, Baker, Campbell, Carter, Cates, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Goodwin, Greer, Gregg, Hall, Hill, Jolly, Kennedy, Killian, Lewis, McMillan, Malone, Merrill, Moore (W), Morris, Naramore, Owens, Riddick, Roberts, Smith (C), Smith (M), Sonnier, Sparks, Venable, Whatley and Wyatt.

—36

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1952. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or it otherwise becoming law.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Carter, Coburn, Crawford, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higgin-

botham, Hines, Jackson (F), Jolly, Kelley, Killian, LeFlore, Lewis, Lutz, McMillan, Malone, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Venable, Weeks, Whatley and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1953. To require the City of Centreville in Bibb County to establish a personnel and merit system under the supervision of the State Personnel Department and to repeal all conflicting statutes.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Campbell, Carter, Coburn, Cooper, Crawford, Cross, Edwards, Folmar, Goodwin, Greer, Gregg, Hall, Higginbotham, Jackson (F), Jolly, Kelley, Lewis, Lutz, McMillan, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Roberts, Smith (C), Smith (M), Sparks, Starkey, Venable, Whatley, Williams and Wyatt.

—39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1954. (With Amendment): Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend H. B. 1954, page 2, line 4, by striking out, after the word "court", the words "receiving the legal fees therefor for his services." and inserting in lieu thereof the following words:

the sheriff shall execute processes at the direction of said court.

Also, on page 2, line 16, by striking out, after the word "salary", the words "the same as the Sheriff of Etowah County" and inserting in lieu thereof the following words and figures:

of \$10,000

And the amendment was adopted.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Jackson (F), Jolly, Killian, LeFlore, Lewis, Lockett, Lutz, Malone, Manley, Merrill, Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1954 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Jackson (F), Jolly, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McNees, Malone, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—59

And the bill:

H. 1955. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Hines, Jackson (F), Jolly, Killian, Lewis, Lockett, Lutz, Malone, Manley, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Weeks, Whatley, Williams and Wyatt.

—57

And the bill:

H. 1956. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to prohibit the use of steel traps for the trapping of foxes prescribing a penalty for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Campbell, Carter, Cates, Coburn, Crawford, Cross, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Higginbotham, Jackson (F), Kelley, Lewis, Lockett, Lutz, McNees, Malone, Manley, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Venable, Weeks, Whatley, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1958. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$6,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

Was taken up.

Mr. McCluskey offered the following substitute to the bill:

Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$8,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census, the county governing body is authorized to pay from any funds in the county treasury not otherwise appropriated, a sum not exceeding eight thousand dollars (\$8,000.00) per annum, to be used by the sheriff for the purchase of equipment necessary for the proper performance of his duties and for the purchase of uniforms for the deputies, jailers, and other employees of the sheriff's department.

Section 2. This act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Campbell, Carter, Cates, Cooper, Crawford, Crowe, Edwards, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Hig-

ginbotham, Hines, Jackson (F), Killian, Lewis, Lockett, McCluskey, McMillan, Malone, Merrill, Moore (W), Naramore, Owens, Plaster, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Weeks, Whatley, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1958. Relating to all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; providing for the sheriff's expense allowance not to exceed \$8,000.00 per annum for the purchase of equipment and uniforms for sheriff and employees of sheriff's department in such counties.

As thus amended was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Jackson (F), Killian, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Mitchem, Moore (W), Morris, Owens, Pegues, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Trammell, Venable, Waggoner, Weeks, Whatley and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1965. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing for an increase in the annual expense allowance for the sheriff of such counties.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 1 of House Bill 1965 by deleting the words and figures "one thousand dollars (\$1,000.00)" where they appear on line 22 of page 1 of said bill and inserting in lieu thereof the words and figures "six hundred dollars (\$600.00)".

And the amendment was adopted.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Ford, Glass, Goodwin,

Gregg, Hall, Hines, Killian, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Mitchem, Moore (W), Owens, Pegues, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Trammell, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1965 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Hines, Johnstone, Jolly, Kinsey, Lewis, Lockett, Lutz, McMillan, Martin, Merrill, Moore (W), Naramore, Owens, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1966. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000; to provide an additional expense allowance for the probate judge.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 1 of House Bill 1966 by deleting the figure "\$1,000" where it appears on line 21 of page 1 of said bill and inserting in lieu thereof the figure "\$600.00".

And the amendment was adopted.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—55

And the bill, H. 1966 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Campbell, Cates, Coburn, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hill, Jackson (R), Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Taylor, Trammell, Turnham, Venable, Waggoner, Weeks and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1967. (With Amendment): Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for an additional expense allowance for the tax collector and the tax assessor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 1 of House Bill 1967 by deleting the figure "\$2,000.00" where it appears on line 23 of page 1 of said bill and inserting in lieu thereof the figure "\$600.00".

And the amendment was adopted.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Hill, Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNeese, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—53

And the bill, H. 1967 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Albright, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Hill, Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lewis, Lutz,

McCluskey, McMillan, McNees, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Rich, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Venable, Weeks, Williams and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1968. To provide additional compensation for members of the jury commission in all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNees, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Rich, Robertson, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Trammell, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—54

And the bill:

H. 1969. (With Amendment): Relating to all counties having populations of not less than 57,000 nor more than 61,000; providing further for the compensation and expenses of the circuit clerk and register in such counties.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

Amend Section 2 of House Bill 1969 by deleting the figures "\$11,200" where it appears on line 23 of page 1 of said bill and inserting in lieu thereof the figure "\$9,800.00".

Further amend Section 2 of said bill by deleting the figure "\$8,800" where it appears on line 24 of page 1 and inserting in lieu thereof the figure "\$7,400.00".

And the amendment was adopted.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNees, Mar-

tin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—54

And the bill, H. 1969 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Crawford, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Higginbotham, Jackson (F), Johnstone, Kelley, Killian, Kinsey, Lewis, McCluskey, McMillan, Martin, Merrill, Moore (W), Naramore, Owens, Pegues, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Taylor, Turnham, Venable, Waggoner, Weeks, Williams and Wyatt.

—46

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 137. Relating to Lee County; to provide that the county commission shall have the power to levy and collect additional privilege license taxes, cigarette taxes and taxes on charges or fees for solid waste disposal; and occupational taxes outside the city limits of any incorporated municipality in said county; and to provide for the disposition of the proceeds of such taxes.

Was taken up.

S. 137 CARRIED OVER

On motion of Mr. Whately, the bill, S. 137, was temporarily carried over.

And the bill:

S. 218. To amend Section 2 of Act No. 107, S. 156, of the Regular Session of 1947, [now appearing in the Code of Alabama 1940, Recompiled 1958 in Title 13, Section 187 (3)] entitled An Act to authorize circuit judges of judicial circuits composed of one county having but one circuit judge to appoint regular bailiffs and fix their terms of office, so as to raise the amount paid bailiffs to an amount not to exceed six hundred dollars (\$600.00) per month.

Was read a third time at length and passed.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Baker, Brindley, Campbell, Cates, Coburn, Crawford, Cross, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Jackson (F), Johnstone, Killian, Lewis, McCluskey, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Venable, Waggoner, Weeks, Williams and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 290. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Was read a third time at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Baker, Biddle, Brindley, Campbell, Cates, Coburn, Crawford, Edwards, Folmar, Goodwin, Greer, Hall, Higginbotham, Hill, Jackson (F), Johnstone, Jolly, Kelley, Lewis, Lockett, McCluskey, McMillan, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Rich, Roberts, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Venable, Waggoner, Weeks, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, How-

ard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 465. To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 535. Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations

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of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.

Was taken up.

Mr. Johnson offered the following amendment No. 1 to the bill:

On page 1, line 20, after the period following the word "interest", insert the following:

"And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release."

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

Mr. Johnson offered the following amendment No. 2 to the bill, S. 567 as amended.

On page 1, line 26, delete the entire sentence beginning with the word "Any" and insert in lieu thereof the following:

"Any person charged with an offense, other than a capital offense, may, by any judicial officer as hereinafter defined, be ordered released pending trial on his personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the officer determines that such a release will not reasonably assure the appearance of the person as required or the safety of any person or the community."

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard,

Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

Mr. Johnson offered the following amendment No. 3 to the bill, S. 567 as amended:

On page 2, line 16, after the period following the word "release" insert the following:

"In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds that are imposed as a condition of release."

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

Mr. Johnson offered the following amendment No. 4 to the bill, S. 567 as amended:

On page 4, line 18, delete Section 2. j. in its entirety and insert in lieu thereof the following:

"j. Judicial Officer. As used in and with regard to the provisions of this act the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in this state, any probate judge in this state, any county court judge or district court judge created in lieu thereof, any magistrate or equivalent thereof in this state, or any city recorder or equivalent thereof in this state."

And the amendment was adopted.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O),

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Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill, S. 567 as thus amended, was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 624. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 754. To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford,

Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 773. To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 817. Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 820. Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 850. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1022. Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick,

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Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1131. Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1132. Relating to Crenshaw County; to provide for the county solicitor's salary.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

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And the bill:

S. 1142. Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1143. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1149. Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1159. Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1161. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O),

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Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1170. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1176. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1184. Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1185. To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Was read a third time at length and passed.

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Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1189. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1190. To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick,

Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1191. Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1192. To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1193. Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford,

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Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1194. To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1195. To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Good-

win, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1196. Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1197. To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1198. Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1199. To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1200. Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford,

Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1201. To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1202. To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1203. Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1204. To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Acts 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1205. Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Good-

win, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1206. To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1207. Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1208. To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances

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for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1209. To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1210. To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Good-

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win, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1211. Relating to Marshall County; providing an additional expense allowance for the probate judge.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1212. To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supplemental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1213. Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

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Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1214. To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1215. Relating to Marshall County; providing for the compensation of the register of the circuit court.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O),

Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1216. To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1217. Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1218. To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

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Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1219. To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1220. To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford,

Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1221. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1222. To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J),

Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1223. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1224. To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1225. Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1226. To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeese, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1227. To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy,

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Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1228. To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1229. Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1230. To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having popu-

lations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1231. To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1232. Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the desig-

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nated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1233. To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1234. To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1235. Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

S. 1236. To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Was read a third time at length and passed.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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And the bill:

H. 1939. To alter, or rearrange the boundary lines of the Town of Good Hope, Cullman County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Cullman County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—87

And the bill:

H. 1963. Relating to Cullman County; to protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such county.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 87; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. McCulley offered the motion to reconsider the vote by which the bill, H. 1947, was passed, and the motion was adopted.

And the bill:

H. 1947. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Was again taken up.

H. 1947 INDEFINITELY POSTPONED

On motion of Mr. McCulley, the bill, H. 1947, was indefinitely postponed.

MOTION TO TEMPORARILY CARRY OVER BILLS LOST

The motion offered by Mr. Boles to temporarily carry over all bills on the Calendar to reach the bill, H. 1575, was lost.

Yeas 10; Nays 10.

Yeas:

Messrs.: Armstrong, Boles, Glass, Hall, Harrison, Hilliard, Howard, Jackson (R), McNair and Porter.

—10

Nays:

Messrs.: Biddle, Falkenburg, Gafford, Johnstone, Jolly, Leonard, Moore (O), Trammell, Waggoner and White.

—10

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Andrews to suspend the rules in order to bring up out of order the bill, H. 1070, was lost.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Smith (B):

H. J. R. 405. PROVIDING FOR THE CONTINUATION OF THE JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICARE AND MEDICAID PROGRAMS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the joint committee established by Act No. 4, S. J. R. 14 of the Regular Session of 1975, shall continue its work as directed in Act No. 4 of the Regular Session of 1975, and, in addition thereto, the committee shall also endeavor to get the federal regulations relative to medicaid and medicare changed in such manner as they think will accomplish their purpose, including a visit to the federal authorities handling the medicare and medicaid programs, if, in the opinion of the committee, this would do any good, and also visits to several other states in order to investigate such states' medicare and medicaid programs.

BE IT FURTHER RESOLVED, That the committee members shall be entitled to their usual legislative per diem and expenses for attending

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meetings of the committee and making the trips designated by the committee, which shall be paid from funds appropriated to the payment of the expenses of the legislature; however, the expenses of the committee shall in no event exceed five thousand dollars.

BE IT FURTHER RESOLVED, That the committee shall make a report to the legislature before the tenth legislative day of the next regular session.

On motion of Mr. Smith (B), the rules were suspended and the resolution, H. J. R. 405, was adopted.

Yeas 52; Nays 3.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Cooper, Crawford, Cross, Dial, Edwards, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Higginbotham, Jackson (F), Johnson, Johnstone, Jolly, Kinsey, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Reed, Rich, Riddick, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Turnham, Weeks, White and Williams.

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Nays: Messrs.: Andrews, Teague and Trammell.

—3

Also:

By Mr. Warren:

H. J. R. 406. COMMENDING VICTORIA POPE AT THE END OF HER REIGN AS THE NATIONAL PRESIDENT OF THE FUTURE HOMEMAKERS OF AMERICA.

WHEREAS, Victoria Pope of Castleberry, Alabama, was the first Alabamian from any youth organization ever elected as national president; and

WHEREAS, Miss Pope was the 1974-75 National President of the Future Homemakers of America and has just ended her reign; and

WHEREAS, while President she represented F.H.A. at many meetings including the national meetings of Future Farmers of America held in Kansas City and the American Vocational Association held in New Orleans, and additionally met with Mrs. Betty Ford, Vice President Nelson Rockefeller and President Gerald R. Ford; and

WHEREAS, Victoria Pope's grace, charm and intelligence during her reign as president have brought much honor and a sense of pride to the State of Alabama, the town of Castleberry, and her school, Conecuh County High School; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend and congratulate Miss Victoria Pope on her exemplary conduct of the office of National President of the Future Homemakers of America 1974-75.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Miss Victoria Pope and her parents, Mr. and Mrs. Wayne Pope.

On motion of Mr. Warren, the rules were suspended and the resolution, H. J. R. 406, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1601. To provide for the partial participation of employees of the Cooperative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Turnham, the House concurred in and adopted the Senate amendment to the bill, H. 1601, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for the partial participation of employees of the Cooperative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

Be It Enacted by the Legislature of Alabama:

SECTION 1. Any law to the contrary notwithstanding, the governing board of Auburn University may, by resolution legally adopted, elect to have its employees from whatever sources and in whatever manner paid, become eligible to participate in the Employees' Retirement System of the State of Alabama under the provisions of Act 515, H. 93, Regular Session 1945 (Acts 1945, p. 741), as now appearing in the Code of Alabama Recompiled 1958, Title 55, Section 467) provided that all contributions and benefits shall be computed based on a percentage, not to exceed fifty percent (50%), of each employee's total salary; and provided further that such percentage shall be expressly stipulated in the aforesaid resolution and that the resolution must expressly state that such percentage shall be applied uniformly to all employees covered thereunder. The funding responsibility of the employer, and, the resolution referred to above as it relates to the percentage stipulated shall not be subject to alteration, amendment, transfer, or other change unless such authority is specifically and clearly granted by an enactment of the Legislature of Alabama which specifically and expressly names the employees of the Cooperative Extension Service at Auburn University under Federal appointment. The term "employee or employees" as herein used is defined as those persons performing their duties for the Cooperative Extension Service at Auburn University who are under Federal appointment to said Cooperative Extension Service. Members of the Employees' Retirement System who participate in said System under the provisions of this Act shall participate and receive benefits under the same conditions as other members of said System, provided the basis for all computations shall not exceed fifty percent (50%) of each employee's total salary notwithstanding such member's coverage under Federal Civil Service Retirement.

SECTION 2. Anything in this Act to the contrary notwithstanding, any employee hereunder, who subsequent to his participation in the Employees' Retirement System under the provisions of this Act assumes regular employment with the State or with any employer unit participating in the Employees' Retirement System, or the Teachers' Retirement Sys-

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tem, shall be entitled to count as creditable service only so much of each such year's service as is in the same proportion with the percentage of his salary contributed upon for such year.

SECTION 3. The provisions of this Act are supplemental and shall not be construed to repeal any laws not in direct conflict therewith.

SECTION 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Callahan, Carothers, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Hines, Jackson (F), Johnson, Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Moore (O), Moore (W), Naramore, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Tucker, Turnham, Venable, Warren, Weeks, White, Williams and Wyatt.

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And the bill, H. 1601 as thus amended, was again read at length and passed.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Callahan, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Edwards, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham, Hill, Jackson (F), Johnson, Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs.: Jones, Adams, Baker, Bank, Clemon, Edwards, Ellis, Fine, Flippo, Foshee, Gilmore, Givhan, King, Little, Littleton, McDonald (A), McDonald (S), McMillan, Mims, Mitchell, Noonan, Owen, Pearson, Perloff, Perry, Powell, Roberts, St. John, Shelby, Stewart, Torbert, Vacca, Waldrop, Wilson.

S. J. R. 142. HONORING JAMES V. "JAKE" JORDAN UPON HIS RETIREMENT AS STATE BUDGET OFFICER.

WHEREAS, James V. Jordan, affectionately known to his associates and host of friends as "Jake", is retiring from public service after rising from accountant to State Budget Officer, over a period of thirty-seven years, viz: two years in the Highway Department, six and one-half years in the Treasurer's Office and Finance Department and almost thirty years as State Budget Officer; and

WHEREAS, "Jake" has always contributed generously of his leadership, time, talents and means to his state and its citizens; and

WHEREAS, "Jake" Jordan has often stood as a lone warrior conscientiously and doggedly fighting to preserve fiscal responsibility in state government; and

WHEREAS, Mr. Jordan enlisted in the United States Marine Corps on September 16, 1942, and served with distinction in the Pacific Theatre of Operations until his discharge on November 5, 1945; in recognition of his multitudinous talents in the fiscal management field, on July 22, 1952 he was appointed and federally recognized as Major in the Finance Corps of the Alabama Army National Guard, and he subsequently served as budget and fiscal officer for the State Headquarters and Headquarters Detachment divisions where his dedicated services earned him the promotion on November 23, 1959, to the rank of Lieutenant Colonel. Although he had attained the maximum years of service as a commissioned officer, he still was anxious to further serve his state and country and on February 19, 1965 he accepted an appointment as Chief Warrant Officer W-2 and served with enthusiasm until his retirement from the National Guard on July 21, 1969. Among one of his most noteworthy contributions in the Guard was his assignment in the Phenix City Cleanup in 1954, as the principal aide to Major General "Crack" Hanna, State Adjutant General, in bringing a state of order and normalcy out of turmoil and lawlessness during that troubled time; and

WHEREAS, James V. "Jake" Jordan was nationally recognized for his fiscal acumen upon his election as national president of the State Budget Officers' Association in 1953; and

WHEREAS, Jake Jordan is held in the highest of esteem, as a patriot, soldier, and as a public servant, and his activities in each of these endeavors have reflected great credit on himself, the Alabama National Guard, this State and this Nation; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That James V. "Jake" Jordan is hereby congratulated and heartily commended for his dedicated, conscientious, and inimitable service as a public servant and his exceptionally meritorious and distinguished military service, and we do thank him for his long and faithful service to his fellow man, the State of Alabama and the United States and wish for him every happiness on his retirement as State Budget Officer of the State of Alabama.

BE IT FURTHER RESOLVED, That the Secretary of the Senate deliver a copy of this resolution to Jake Jordan as a symbol of the appreciation shared by the members of this body, his fellow employees and the people of Alabama.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the House concurred in and adopted the resolution, S. J. R. 142, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Owen:

S. J. R. 146. COMMENDING CLEVELAND L. ADAMS.

WHEREAS, Cleveland L. Adams is the first recipient of the new Southern Textile Chair within the School of Engineering at Auburn University; and

WHEREAS, Cleveland L. Adams has served as Head Professor of the Textile Engineering Department since 1952; and

WHEREAS, he has served the textile industry and the people of Alabama for over fifty years through his teachings and research; and

WHEREAS, Cleveland L. Adams helped organize and nurture the Alabama Textile Education Foundation, the Alabama Textile Operating Executives, and the Phi Psi Textile Honorary Fraternity; and

WHEREAS, Cleveland L. Adams has brought honor and recognition to Alabama, having served as a consultant on textile problems in the United States, Europe, Asia, Africa, Central and South America, and has worked with the United States Agency for International Development, the Regional Export Expansion Council, the National Council for Textile Education, many national engineering firms and international corporations while traveling in 77 countries; and

WHEREAS, he has been a member of the National Defense Executive Resource, the Alabama-Quatemala Partners of the Americas, the American Society for Testing Materials, the National Education Association, the American Society for Quality Control and is a charter member of the Textile Fiber Society; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Cleveland L. Adams for his many achievements and particularly upon becoming the first recipient of the Southern Textile Chair of the School of Engineering at Auburn University.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 146, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolutions and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 138. WISHING GRACE THOMAS A SPEEDY RECOVERY.

Also:

By Messrs.: McMillan, Gilmore, Pearson, Clemon, Vacca, Wilson and Ellis:

S. J. R. 139. MOURNING THE DEATH OF MRS. NONA S. HILL.

MCDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Biddle, the rules were suspended and the House concurred in and adopted the resolutions, S. J. R. 138 and S. J. R. 139, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Powell:

S. J. R. 145. COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Biddle, the House concurred in and adopted the resolution, S. J. R. 145, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 490. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Owen, Foshee and Clemon.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 711. Providing for the establishment of an Alabama Criminal Justice Information Center Commission in order to establish a statewide criminal justice information system; providing for the reporting of arrests and the disposition of persons charged by the state, county and municipal criminal justice agencies; providing for intra and interstate, as well as national and international cooperation with other criminal justice agencies; and providing penalties for violations of provisions of this Act.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Joint Resolution:

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S. J. R. 98. Relative to a joint legislative committee to study the feasibility of a state-wide group comprised of state employees and educators for hospital-medical insurance.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 1488. To provide that the Shelby County Commission is authorized to provide an additional expense allowance to certain county officers.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Littleton, Gilmore and Fine.

McDOWELL LEE,
Secretary.

REPORT OF COMMITTEE OF CONFERENCE ON H. B. 897

We, the committee of conference appointed to reconcile the differences between the two Houses concerning H. B. 897, have met, considered the matter, and agreed to the following:

We recommend that the Senate recede from its amendment to the bill, and that the bill as passed by the House be agreed to by both Houses.

Conferees of the House

FR. FALKENBURG, Chairman
CHRIS McNAIR
J. T. WAGGONER, JR.

Conferees of the Senate

PASCHAL P. VACCA
J. RICHMOND PEARSON

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Falkenburg, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 897, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 35; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Brindley, Campbell, Cates, Crawford, Cross, Folmar, Hall, Hines, Holley, Jolly, Killian, LeFlore, McCluskey, McCulley, McNair, Manley, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sasser, Smith (C), Smith (J), Starkey, Tucker, Venable, Weeks, Whatley, Williams and Wyatt.

—35

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Boles, Brindley, Callahan, Carothers, Cates, Cooper, Crawford, Cross, Crowe, Falkenburg, Folmar, Goodwin, Greer, Hill, Hines, Holley, Jackson (F), Jolly, Killian, Lockett, McCluskey, McCulley, McMillan, McNair, McNeas, Manley, Merrill, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (C), Sonnier, Starkey, Taylor, Tucker, Venable, Weeks, Whatley, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Shelby, Bank and Gilmore.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Owen:

S. 1071. Relating to Washington County; providing for the election of the county commission by the county at large; and providing for the residence of the commissioners from districts defined herein.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL TO BE ENTITLED AN ACT

Relating to Washington County; providing for the election of the

county commission by the county at large; and providing for the residence of the commissioners from districts defined herein.

Be It Enacted by the Legislature of Alabama:

Section 1. After the effective date of this Act, the several members of the county commission or other like governing body of Washington County shall be nominated and elected by the qualified electors of the county at large. A member shall be elected for each district defined herein and he shall be a resident and elector of the district for which he is elected. The members of the county commission or other like governing body of the county shall be elected at the time, in the manner, and for the terms provided by law, except as otherwise herein provided, the members from districts 1 and 3 being elected pursuant to this Act in 1976 and every four years thereafter and the members from districts 2 and 4 being so elected in 1978 and every four years thereafter.

Section 2. Commissioner District One is described as follows:

Begin at the Northwest corner of Section 34, Township 6 North, Range 2 West; thence, Southerly along the Section lines to the Southwest corner of Section 10, Township 2 North, Range 2 West on the boundary between Washington County, Alabama and Mobile County, Alabama; and thence Easterly, Northeasterly and Southeasterly along said boundary between Washington and Mobile Counties to its intersection with the main channel of the Tombigbee River, which is also the boundary of Washington County, Alabama and Baldwin County, Alabama; thence generally Easterly and Northerly along said boundary between Washington and Baldwin Counties to its intersection with the boundary between Washington County, Alabama and Clarke County, Alabama at a point in the main channel of the Tombigbee River on the East line of Section 57, Township 3 North, Range 1 East; thence, generally Northerly along the main channel of the Tombigbee River, which is also the boundary between Washington and Clarke Counties, following its meanderings, to its intersection with the North line of Section 20, Township 4 North, Range 1 East at the Northeast corner of said Section 20; thence, Westerly along the North line of Section 20 to its intersection with the East line of Section 19, Township 4 North, Range 1 East; thence Northerly along the East line of said Section 19 to the Northeast corner of said Section; thence Westerly along the North line of said Section 19 to the Northwest corner of said Section; thence, Southerly along the West line of said Section 19 to its intersection with the North line of Section 22, Township 4 North, Range 1 East; thence Westerly along the Section lines to the intersection with the North line of Section 13, Township 4 North, Range 1 East with the main channel of Lewis Creek; thence, generally Westerly, Northwesterly, Southwesterly and Westerly along the main channel of Lewis Creek following its meandering, to the intersection of said main channel with the West line of Section 10, Township 4 North, Range 1 West; thence Northerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 1 West; thence, Westerly along the Section lines to the Northwest corner of Section 34, Township 6 North, Range 2 West which is the point of beginning.

Commissioner District Two is described as follows:

Begin at the Northwest corner of Section 6, Township 8 North, Range 2 West on the boundary between Washington County, Alabama and Choc-taw County, Alabama; thence Southerly along the Section lines to the Southwest-corner of Section 30, Township 6 North, Range 2 West; thence Easterly along the Section lines to the Northwest corner of Section 34, Township 6 North, Range 1 West; thence Southerly along the Section lines to the intersection of the West line of Section 10, Township 4 North, Range

1 West with the main channel of Lewis Creek; thence generally Easterly, Northeasterly, Southeasterly and Easterly following the meandering of the main channel of Lewis Creek to its intersection with the South line of Section 5, Township 4 North, Range 1, East; thence, Easterly along the Section lines to the intersection of the South line of Section 1, Township 4 North, Range 1 East with the West line of Section 19, Township 4 North, Range 1 East; thence Northerly along the West line of said Section 19 to the Northwest corner of said Section; thence Easterly along the North line of said Section 19 to the Northeast corner of said Section; thence Southerly along the East line of said Section 19 to its intersection with the South line of Section 1, Township 4 North, Range 1 East; thence, Easterly along the South line of said Section 1 to its intersection with the main channel of the Tombigbee River on the boundary between Washington County, Alabama and Clarke County, Alabama; thence generally Northwesterly along the boundary between Washington and Clarke Counties (which is also the main channel of the Tombigbee River) following its meandering to its intersection with the North line of Section 5, Township 8 North, Range 1 West to the boundary between Washington County, Alabama and Choctaw County, Alabama; thence Westerly along the boundary between Washington and Choctaw Counties to the Northwest corner of Section 6, Township 8 North, Range 2 West which is the point of beginning.

Commissioner District Three is described as follows:

Begin at the Northwest corner of Section 2, Township 8 North, Range 5 West, on the boundary between Washington County, Alabama and Wayne County, Mississippi; thence Southerly along said boundary between Washington and Wayne Counties to the Southwest corner of Section 36, Township 6 North, Range 5 West; thence, Easterly along the Section lines to the Southeast line of Section 36, Township 6 North, Range 4 West; thence, Northerly along the East line of said Section 36 to the Northeast corner of said Section; thence, Easterly along the Section lines to the Southeast corner of Section 28, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 16, Township 6 North, Range 3 West; thence, Easterly along the Section lines to the Southeast corner of Section 12, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 1, Township 8 North, Range 3 West on the boundary between Washington County, Alabama and Choctaw County, Alabama; thence, Westerly along the boundary between Washington and Choctaw Counties to the Northwest line of Section 2, Township 8 North, Range 5 West on the boundary between Washington County, Alabama and Wayne County, Mississippi which is the point of beginning.

Commissioner District Four is described as follows:

Begin at the Northwest corner of Section 1, Township 5 North, Range 5 West on the boundary between Washington County, Alabama and Greene County, Mississippi; thence, Southerly along said boundary between Washington and Greene Counties to the Southwest corner of Section 19, Township 2 North, Range 4 West on the boundary between Washington County, Alabama and Mobile County, Alabama; thence, Easterly along said boundary between Washington and Mobile Counties to the Southeast corner of Section 24, Township 2 North, Range 4 West; thence, Northerly along said boundary between Washington and Mobile Counties to the Southwest corner of Section 7, Township 2 North, Range 3 West; thence, Easterly along said boundary between Washington and Mobile Counties to the Southeast corner of Section 9, Township 2 North, Range 2 West; thence, Northerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 2 West; thence Westerly along

the Section lines to the Northeast corner of Section 36, Township 6 North, Range 3 West; thence, Northerly along the Section lines to the Northeast corner of Section 13, Township 6 North, Range 3 West; thence, Westerly along the Section lines to the Northwest corner of Section 15, Township 6 North, Range 3 West; thence, Southerly along the Section lines to the Northeast corner of Section 33, Township 6 North, Range 3 West; thence, Westerly along the Section lines to the Northwest corner of Section 31, Township 6 North, Range 3 West; thence, Southerly along the West line of said Section 31 to the Southwest corner of said Section; thence, Westerly along the Section lines to the Northwest corner of Section 1, Township 5 North, Range 5 West on the boundary between Washington County, Alabama and Greene County, Mississippi, which is the point of beginning.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF WASHINGTON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Dalton Jackson, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Call-News Dispatch, a newspaper of general circulation published in Washington County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 3, July 10, July 17, and July 24, all in the year 1975.

DALTON JACKSON.

Sworn to and subscribed before me Aug. 18, 1975.

ANNETTE R. BAXTER,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1071 Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 1241. To repeal Act No. 208, H. 130, Third Special Session of 1975, approved May 5, 1975, entitled "To apply only in counties having a

population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws."

Also:

By Mr. Waldrop:

S. 1258. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

Also:

By Mr. Flippo:

S. 809. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacation and sick leave for all county employees.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lauderdale County Commission shall determine the needs of each department of county government, the projected cost of op-

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erating each department and the anticipated revenue which may be available for the operation of the county government and shall fix the budget for the cost of operating all departments within the limits of the anticipated revenue of the county. In making such determinations, said commission may require the head of each department to file a report containing an inventory of its property and the condition thereof, its present and future needs, a cost estimate, including salaries, equipment and all other necessary expenditures and any other appropriate information it may desire. Upon the establishment of such budget, the head of each department shall expend county funds within the limits fixed by the said commission, and may be held liable for any expenditures in excess of such limits.

Section 2. The said county commission shall be further authorized to fix policies respecting the observance of holidays, to establish and promulgate rules, regulations and procedures respecting vacations and sick leave for all county employees, and to enforce such policies, rules and regulations.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Bill Harrison, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Advertising Manager of The Florence Times*Tri-Cities Daily, a newspaper of general circulation published in Lauderdale County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 27, 1975, June 3, 1975, June 10, 1975 and June 17, all in the year 1975.

BILL HARRISON.

Sworn to and subscribed before me June 17, 1975.

WALLACE E. OWEN, JR.,
Notary Public State at Large.

Also:

By Mr. Flippo:

S. 811. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAUDERDALE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lauderdale County Board of Education is hereby authorized to establish such rules and regulations pertaining to sick leave and annual leave for employees, other than teachers, of the Board of Education in said County so that such employees shall enjoy the same leave allowances and privileges as teachers.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
LAUDERDALE COUNTY

I, Bill Harrison, Advertising Manager of Florence Times*Tri-Cities Daily, a daily newspaper published in Florence, Lauderdale County, Alabama and with a general circulation in Lauderdale and Colbert Counties, Alabama, and having been published and mailed under the Second Class Mailing Privileges for 52 consecutive weeks prior to the publication of the attached clipping, hereby certify that the attached clipping is a true and correct copy of: LEGAL NOTICE STATE OF ALABAMA COUNTY OF LAUDERDALE A BILL TO BE ENTITLED AN ACT To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The Lauderdale County Board of Education is hereby authorized to establish such rules and as published in Florence Times*Tri-Cities Daily on the days and dates and in the amount of space as here given, as follows: May 27, June 3, 10, 17, 1975.

BILL HARRISON,
Advertising Manager of Florence Times*Tri-Cities Daily.

Sworn to before me this 17th day of June, 1975.

WALLACE E. OWEN, JR.

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Also:

By Mr. Little:

S. 1260. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
RANDOLPH COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL
TO BE ENTITLED
AN ACT

To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the Boundary line of the Town of Wedowee, Randolph County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the Town of Wedowee and in addition thereto the following described territory, to-wit:

SW¼, W½ of SE¼, W½ of NE¼, Section 4, Township 20, Range 11

Section 2. That this Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT

THE STATE OF ALABAMA
RANDOLPH COUNTY

I, J. S. Schuessler, business manager The Randolph Press, a newspaper of general circulation published in the Town of Wedowee, Alabama, Randolph County, do hereby certify that the attached Legal Notice appeared in this newspaper on 8-20, 1975; 8-27, 1975; 9-3, 1975; 9-10, 1975.

J. S. SCHUESSLER.

Subscribed and sworn to before me this the 17th day of September, 1975.

CAROL LANE WOOD.

My Commission Expires 4-25, 77.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1241. Local Legislation No. 1.
- S. 1258. Local Legislation No. 1.
- S. 809. Local Legislation No. 1.
- S. 811. Local Legislation No. 1.
- S. 1260. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Pearson, McMillan, Clemon and Vacca:

S. 1257. Relating to counties having populations of not less than 600,000 inhabitants; to levy an additional license tax on cigarettes in such counties; to provide for the enforcement hereof, the collection of the tax and the disposition of the proceeds thereof; and to provide penalties for violation of the provisions of this act.

Also:

By Mr. Weaver:

S. 939. Relating to all counties having a population of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census, setting the salary for the county solicitor or deputy district attorney.

Also:

By Mr. Fine:

S. 1261. Relating to Marion County, Alabama, providing for a secretary for the courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that at this session of the Legislature of Alabama a bill substantially as follows will be introduced and application for its passage and enactment will be made, that is to say:

A BILL
TO BE ENTITLED
AN ACT

Relating to Marion County, Alabama, providing for a secretary for the Courts of such county, prescribing the means of appointment and removal, the duties and compensation therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply to Marion County, Alabama, only.

Section 2. The presiding judge of the Circuit Court of Marion County, Alabama, may appoint a qualified person to serve as secretary to and for the Courts in Marion County, and shall fix the compensation therefor, which shall not exceed Five hundred dollars (\$500.00) per month, such sum to be paid out of the general funds of the county in like manner as the other county employees are paid. In the event the primary source of funds for payment of said court secretary shall become other than the said county, a sum not exceeding the above sum may be paid to said secretary as a supplement.

Section 3. Such secretary shall serve at the pleasure of said presiding judge, and shall perform such secretarial and clerical work as may be prescribed by said judge.

Section 4. Act 237, Acts of Alabama (Regular Session 1971) is hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval, or upon its otherwise becoming a law.

STATE OF ALABAMA
MARION COUNTY

Before me, the undersigned authority in and for said State and County, this day personally appeared Roger Quinn of the Marion County Journal, a newspaper published in Hamilton, Marion County, Alabama, which has a general circulation in the county in which it is published, which newspaper has been mailed under the second class mailing privileges for fifty-two consecutive weeks prior to the publication of the legal advertisement, who being by me duly sworn, says that the legal notice, a copy of which is hereto attached, was published in the said Marion County Journal for 4 consecutive weeks. July 10, 1975; July 17, 1975; July 24, 1975; July 31, 1975.

The Marion County Journal,
ROGER QUINN.

Sworn and subscribed to before me, This 18th day of August, 1975.

BUDDY HALL,
Notary Public.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bills, the titles of which are set out in the above and foregoing Message from the Senate, were severally read one time and referred to appropriate Standing Committees as follows:

- S. 1257. Local Legislation No. 2.
- S. 939. Local Legislation No. 1.
- S. 1261. Local Legislation No. 1.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker of the House appointed as the Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 786, Messrs. Callahan, Malone and Sandusky.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. B. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 1389, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 1389, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. King, Baker and McDonald (A).

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill Number 899, without the Governor's approval.

Respectfully submitted,
HENRY B. STEAGALL, II,
Executive Secretary.

Done this 23rd day of September, 1975.

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 899, without my signature and approval.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 899. Relating to the regulated loan business; providing for regulation, examination, investigation, and licensing of individuals, firms, and corporations engaged in the business of making regulated loans and for the suspension and revocation of licenses issued hereunder for specified reasons; prescribing maximum rates of interest and other charges for loans; providing for the administration and enforcement of the Act, prescribing penalties, providing for the proper repeal of existing laws, including Section 18 (f) of Act No. 2052, S. B. 122 of the Regular Session of 1971, approved October 1, 1971, relating to loans over \$300.00 and Act No. 374, H. B. 102 of the Regular Session of 1959, approved November 6, 1959, relating to the small loan business and Act No. 159, H. B. 233, approved June 23, 1945 (General Acts of Alabama, 1945, page 200), relating to the small loan business and providing for regulation of the same.

On motion of Mr. Gafford, the House refused passage of the bill, H. 899, over the Governor's veto, and the Governor's veto was sustained.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Gafford, the rules were suspended in order to bring up out of order the bill, H. 1375.

Yeas 59; Nays 8.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Higginbotham, Hines, Jackson (F), Jackson (R), Johnstone, Jolly, Kinsey, Lee, Lutz, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Morris, Owens, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, White and Williams.

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Nays:

Messrs.: Cates, Hall, Howard, Lewis, Pegues, Riddick, Smith (M) and Wyatt.

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The bill, H. 1375 was called, and on motion of Mr. Gafford the bill, S. 891, was substituted for the bill, H. 1375.

And the bill:

S. 891. Relating to taxation, to provide an exemption from Ad-valorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Was read a third time at length and passed.

Yeas 58; Nays 12.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harrison, Higginbotham, Hill, Hines, Holmes, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Merrill, Moore (O), Moore (W), Morris, Reed, Rich, Roberts, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

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Nays:

Messrs.: Cross, Holley, Jackson (R), Kennedy, McNair, Martin, Naramore, Plaster, Riddick, Robertson, Smith (B) and Taylor.

—12

And the bill:

H. 1375. Relating to taxation, to provide an exemption from Ad-valorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Was taken up.

H. 1375 INDEFINITELY POSTPONED

On motion of Mr. Gafford, the bill, H. 1375, was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Callahan, House Rule 4(4), which prohibits sending a bill originated in the House, except advertised local bills and general bills of local application, to the Senate for its first reading after the Senate adjourns on the thirty-second legislative day, was suspended.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Kinsey, the rules were suspended in order to bring up out of order the bill, H. 281.

Yeas 51; Nays 9.

Yeas:

Messrs.: Albright, Armstrong, Barron, Boles, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Gregg, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, Mc-

Culley, McMillan, McNair, McNees, Moore (O), Naramore, Plaster, Riddick, Roberts, Smith (B), Smith (C), Sonnier, Taylor, Venable, Warren, Weeks, White, Williams and Wyatt.

—51

Nays:

Messrs.: Carothers, Cates, Dial, Edwards, Higginbotham, McCluskey, Pegues, Sasser and Smith (M).

—9

And the bill:

H. 281. (With Amendments): To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 281 by inserting on line 15 after the figure (\$700), the words per month

And the amendment was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Campbell, Clark, Cooper, Crawford, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hill, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kennedy, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Moore (O), Naramore, Plaster, Rich, Robertson, Smith (B), Sparks, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. B. 281 on Page 1, line 12, by inserting after the word "municipality" the following words and figures:

of 3,000 inhabitants or more.

Further amend H. B. 281 on page 1 by striking the title in its entirety and substituting the following:

To provide for a guaranteed minimum starting wage or salary for law enforcement officers of this state, all counties, municipalities of 3,000 inhabitants or more, and political subdivisions of this state and provide for the enforcement of the provisions of this act.

AMENDMENT TABLED

On motion of Mr. Holley, the amendment No. 2 reported by the Standing Committee on Ways and Means to the bill, H. 281, was tabled.

Yeas 30; Nays 25.

Yeas:

Mr. Speaker, Armstrong, Boles, Clark, Cooper, Dial, Drake, Folmar, Glass, Hines, Holley, Howard, Jackson (F), Johnstone, Kinsey, LeFlore, Lewis, Lockett, McCulley, McMillan, McNees, Malone, Merrill, Morris, Rich, Smith (M), Trammell, Tucker, Waggoner and Weeks.

—30

Nays:

Messrs.: Albright, Baker, Campbell, Cates, Crawford, Cross, Edwards, Ford, Goodwin, Greer, Higginbotham, Kelley, Killian, Lutz, McNair, Martin, Naramore, Plaster, Riddick, Roberts, Sasser, Smith (B), Taylor, Turnham and Venable.

—25

Mr. Martin offered the following amendment to the bill, H. 281 as amended:

Amend H. B. 281 by substituting for the words and figures "seven hundred (\$700)" on lines 14 and 15, p. 1 the words and figures "six hundred (\$600)."

And the amendment was adopted.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Glass, Goodwin, Gregg, Hall, Hines, Holley, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sparks, Starkey, Taylor, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—62

Nay: Mr. Rich.

—1

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Reed, McNair, Gregg, Morris, Jackson (R), Sandusky, Smith (M), Martin, Johnstone, Holley, LeFlore, Glass, and Naramore as co-sponsors to the bill, H. 281.

MOTION TO POSTPONE TABLED

On motion of Mr. McNair, the motion offered by Mr. Pegues to postpone the bill, H. 281 as amended, to the thirty-fifth legislative day was tabled.

Yeas 43; Nays 29.

Yeas:

Mr. Speaker, Albright, Boles, Brindley, Carter, Cates, Clark, Cooper, Dial, Drake, Falkenburg, Folmar, Glass, Hall, Higginbotham, Hilliard,

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Hines, Holley, Howard, Johnson, Johnstone, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Morris, Naramore, Plaster, Sasser, Smith (M), Sonnier, Sparks, Turnham, Waggoner and Warren.

—43

Nays:

Messrs.: Armstrong Barron, Campbell, Carothers, Coburn, Crawford, Cross, Edwards, Ford, Goodwin, Jackson (F), Jolly, Lee, Lewis, McNees, Manley, Moore (W), Pegues, Rich, Riddick, Roberts, Smith (B), Smith (J), Taylor, Teague, Trammell, Venable, Weeks and Williams.

—29

MOTION TO ADJOURN LOST

The motion offered by Mr. McNees that the House adjourn until 10:00 o'clock a.m., Thursday, October 1, 1975, was lost.

Yeas 11; Nays 66.

Yeas:

Messrs.: Carter, Cross, Edwards, Goodwin, Higginbotham, Hilliard, McNees, Moore (W), Riddick, Shelton and Whatley.

—11

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Clark, Cooper, Crawford, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Hall, Hill, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Taylor, Teague, Tucker, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

H. 281 RESUMED

And the bill, H. 281 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 23.

Yeas:

Mr. Speaker, Albright, Baker, Biddle, Boles, Brindley, Callahan, Carter, Clark, Coburn, Cooper, Crowe, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Hall, Hill, Hilliard, Hines, Holley, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Reed, Rich, Robertson, Sandusky, Smith (B), Smith (M), Starkey, Taylor, Tucker, Waggoner, Warren, White and Wyatt.

—57

Nays:

Messrs.: Armstrong, Campbell, Carothers, Cates, Crawford, Cross, Dial, Edwards, Greer, Higginbotham, Howard, Jolly, Lewis, McNees, Moore (W), Pegues, Plaster, Riddick, Roberts, Sasser, Smith (J), Whatley and Williams.

—23

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sandusky, the rules were suspended in order to bring up out of order the bill, H. 1210.

The bill, H. 1210, was called, and on motion of Mr. Callahan, the bill, S. 350, was substituted for the bill, H. 1210.

And the bill:

S. 350. To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

Was read a third time at length and passed.

Yeas 67; Nays 6.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Taylor, Waggoner, Warren, Whatley, White and Wyatt.

—67

Nays:

Messrs.: Cates, Crawford, Cross, Kennedy, Moore (W) and Robertson.

—6

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Callahan, the rules were suspended in order to bring up out of order the bill, S. 348.

And the bill:

S. 348. To provide that in all contracts for public improvements awarded by the State or by any department, agency, board, commission, authority or political subdivision thereof, including any municipality, county and any board, commission or agency of such municipality or county, the contractor may, from time to time withdraw the whole or any part of the amounts retained from payments due the contractor under the terms and conditions of such contract by depositing security in an amount at least equal to the amount of retainage withdrawn.

Was read a third time at length and passed.

Yeas 64; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Clark, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Higginbotham, Hill, Hines, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues,

Plaster, Reed, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—64

Nay: Mr. Kennedy.

—1

And the bill:

H. 1210. To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

Was taken up.

H. 1210 INDEFINITELY POSTPONED

On motion of Mr. Callahan, the bill, H. 1210, was indefinitely postponed.

H. 1567 TAKEN UP

On unanimous consent, the amendment offered by Mr. Hill to the bill, H. 1567, on the thirty-third legislative day, was withdrawn.

And the bill:

H. 1567. To amend Section 259, subsection (d) of Section 262, Section 263, Section 272, Section 279, Section 283, Section 289, Section 293, Section 299, Section 312, all being of Chapter 5 Title 26, Code of Alabama 1940, as amended, Sections 7, 13, and 17 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as amended, Sections 6, 12, and 16 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as amended, and Sections 6, 12 and 16 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as amended, relating to extraterritorial coverage of employees subject to the workmen's compensation laws of Alabama, providing compulsory coverage for employers who do not regularly employ less than three employees, extending immunity from suit by employees to other employees of the employer, to the employer's workmen's compensation insurance carrier and to certain persons or unions making safety inspections, defining permanent total disability and extending benefits for permanent total disability for the duration of the disability, fixing the employer's and the second injury trust fund's liability in the event a second injury produces permanent total disability, permitting credit for the payment of benefits for temporary total disability against the compensation payable for permanent partial disability resulting from an unscheduled injury only, providing for vocational rehabilitation under certain circumstances, establishing the effect of the procurement of gainful employment on permanent total disability benefits, increasing the percentage of a decedent's employee's average weekly wages to which one dependent is entitled, fixing the minimum weekly benefit at 25% of the average weekly wage of the state as determined by the director of industrial relations and the maximum weekly benefit at 66-2/3% of such average weekly wage, and providing for certain periodic changes in the minimum and maximum weekly benefit and the total amount of compensation payable, eliminating any time or dollar limit for compensable medical expenses and giving an employee the right to reject the first two physicians selected by the employer, establishing the effect of the recovery of damages from a third party by an employee suffering a permanent total disability, permitting lump sum payments of compensation with commutation upon approval of the court and by agreement of the parties and amending the acts providing for compensa-

tion for occupational pneumoconiosis, occupational exposure to radiation, and certain occupational disease to make the amendments described above applicable to those acts, all relating to the statutory plan for the compensation of employees for job-related injuries and certain illnesses and diseases.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 6.

Yeas:

Mr. Speaker, Albright, Boles, Brindley, Campbell, Carter, Cates, Coburn, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Jackson (F), Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Venable, Warren, Weeks, Williams and Wyatt.

—65

Nays:

Messrs.: Barron, Callahan, Folmar, Higginbotham, Jackson (R) and Sandusky.

—6

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Starkey, the rules were suspended in order to bring up out of order the bill, H. 1489.

Yeas 73; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Carothers, Carter, Cates, Coburn, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Higginbotham, Hill, Hilliard, Holley, Howard, Jackson (R), Johnson, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Waggoner, Weeks, Whatley, White and Williams.

—73

Nay: Mr. Smith (M).

—1

And the bill:

H. 1489. (With Substitute): To expressly repeal a portion of Section 3, Act No. 1948, H. 1151, 1971 Acts, page 3146, approved September 20, 1971.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

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A BILL
TO BE ENTITLED
AN ACT

To amend a portion of Section 3, Act No. 1948, H. 1151, Acts of Alabama, 1971, Regular Session, page 3146, approved September 20, 1971.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend Section 3 of Act No. 1948, H. 1151, 1971 Acts, Regular Session, page 3146, approved September 20, 1971, to read as follows:

Section 3. Services Performed by Trainees and Assistants.

(a) Notwithstanding any other provision of law, an assistant to a physician may perform medical service when such services are rendered under the supervision of a licensed physician or physicians approved by the Board except that no medical services may be performed under this Act except under the supervision of a physician in the office in which such physician normally, actually practices his profession and nowhere else in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation or contact lenses to the human eye. Nothing in this section shall preclude the performance of routine visual screening.

(b) In the performance of any medical service contemplated by this Act an assistant to a physician shall be conclusively presumed to be the agent, servant or employee solely of the licensed physician or physicians under whose supervision he performs such service; and no other person, firm, corporation or other organization shall be held liable or responsible for any act or omission of such assistant arising out of the performance of such medical service.

Section 2. Repeal. All laws or parts of laws which conflict with this act are, to the extent of such conflict, hereby repealed.

Section 3. Severability. The provisions of this act are severable. If any section, subsection, paragraph, sentence, clause, provision, or portion of this act be held unconstitutional or invalid, it shall not affect any other section, subsection, paragraph, sentence, clause, provision, or portion of this act not in itself unconstitutional or invalid.

Section 4. Effective date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 74; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Higginbotham,

Hill, Hines, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—74

And the bill:

H. 1489. To amend a portion of Section 3, Act No. 1948, H. 1151, Acts of Alabama, 1971, Regular Session, page 3146, approved September 20, 1971.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 71; Nays 0.

Yeas:

Messrs.: Albright, Armstrong Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cates, Coburn, Cross, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hines, Holley, Jackson (F), Jackson (R), Jolly, Killian, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—71

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Cooper, the rules were suspended in order to bring up out of order the bill, H. 818.

And the bill:

H. 818. (With Amendment): To make an appropriation from the state treasury for the relief of Harry V. Schmidt.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 818 on page 1 by deleting lines 23 and 24 in their entirety, viz; and inserting in lieu thereof the following:

To make an appropriation from the Special Educational Trust Fund for the relief of Harry V. Schmidt.

Further amend House Bill 818 on page 1, in Section 1, on line 28 by striking the words, viz; and inserting in lieu thereof the following:

from the Special Educational Trust Fund

And the amendment was adopted.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cooper, Crowe, Dial, Drake, Edwards, Folmar,

Glass, Gregg, Hall, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Teague, Tucker, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—60

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Holmes, Biddle and Drake as co-sponsors to the bill, H. 818.

And the bill:

H. 818. To make an appropriation from the Special Educational Trust Fund for the relief of Harry V. Schmidt.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 62; Nays 3.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Carothers, Carter, Cooper, Cross, Crowe, Dial, Drake, Edwards, Ford, Glass, Greer, Hall, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Moore (O), Morris, Naramore, Plaster, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Waggoner, Warren, Weeks and Williams.

—62

Nays: Messrs.: Cates, Hill and Lewis.

—3

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Malone voting "Yea" on the bill, H. 1567.

RESOLUTIONS

The following resolutions were introduced:

By Mr. Kinsey:

H. J. R. 407. COMMENDING JOHN L. WEBB.

WHEREAS John L. Webb, JN, was selected as Commander of District 15 of the United States Power Squadron; and

WHEREAS, as Commander he is charting a steady course for eleven squadrons extending from Baton Rouge, Louisiana to Panama City, Florida; and

WHEREAS, John L. Webb, a prominent architect in the State of Louisiana is giving of his time and talents to further boating education and safety for the benefit of the members of the organization as well as the general public; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend John L. Webb, JN, for his outstanding leadership of District 15 of the United States Power Squadron.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 407, on the Clerk's desk for one legislative day.

Also:

By Mr. Kinsey:

H. J. R. 408. COMMENDING WALTER R. COSDON.

WHEREAS, Walter R. Cosdon, JN, is Past Chief Commander of the United States Power Squadrons, a national organization of private boatmen; and

WHEREAS, he was Commander of all 426 Power Squadrons in the United States with a total membership of 80,000 for the period between January 1972 to January 1974; and

WHEREAS, Walter R. Cosdon, JN, charted the course of the organization and piloted it with a steady hand; and

WHEREAS, under his leadership the organization played an important part in teaching and encouraging boating safety on the nation's waterways and contiguous seas; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Walter R. Cosdon, JN, for his outstanding leadership of the United States Power Squadron.

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, H. J. R. 408, on the Clerk's desk for one legislative day.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Falkenburg, the rules were suspended in order to bring up out of order the bill, H. 1653.

And the bill:

H. 1653. (With Amendment): To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration therefor.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend House Bill 1653 by deleting on page 3, in Section 5, line 34 the words, viz; and inserting in lieu thereof the following words:

Special Education Trust Fund

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cross, Crowe, Dial, Drake, Folmar, Ford, Greer, Gregg, Hall, Hill, Holley, Holmes, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Lee, LeFlore, Lewis, Lockett,

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Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Merrill, Moore (O), Moore (W), Morris, Naramore, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Messrs. Tucker, McNair and Venable as co-sponsors to the bill, H. 1653.

And the bill, H. 1653 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nay: Mr. Shelton.

—1

MOTION TO RECESS

Mr. Armstrong offered the motion that the House recess until 7:30 o'clock p.m.

SUBSTITUTE MOTION OFFERED

Mr. Turnham offered the substitute motion that the House recess until 8:00 o'clock p.m.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Hilliard that the House adjourn until 10:00 o'clock a.m., Thursday, October 2, 1975, to the substitute motion offered by Mr. Turnham, was lost.

SUBSTITUTE MOTION LOST

The question was then on the substitute motion offered by Mr. Turnham that the House recess until 8:00 o'clock p.m., and the substitute motion was lost.

REPORT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL H. B. 916

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the House of Representatives' amendment to H. B. 916 have met, considered the bill as amended, and have agreed to the following report:

1. We recommend that the attached bill be adopted as a substitute for H. B. 916 and then passed by both houses:

Respectfully submitted,

Roy Johnson
Asbury Howard
Jimmy Lee

Conferees on the part of the House

Bert Bank
Richard C. Shelby
E. H. Gilmore

Conferees on the part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. The total compensation of each Deputy District Attorney of the Sixth Judicial Circuit shall be computed by the Criteria set out in Section 2 hereinbelow. Of the total compensation received by each such Deputy District Attorney, each shall be paid such annual salary by the State of Alabama as may be otherwise provided for by law. The remainder of said annual compensation of each such Deputy District Attorney shall be paid by the county governing body of Tuscaloosa County, which sum shall be paid from the general fund of said county in equal installments as the salaries of other county officers are paid.

Section 2. (A). The beginning salary for each Deputy District Attorney shall be \$13,500.00 per annum.

Section 2. (B). When each Deputy District Attorney has completed one year of service in such office to the satisfaction of the District Attorney, and upon employment he had less than one year of prior applicable experience as an attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$14,500; but, if, however, he had more than one year of prior applicable experience as an attorney upon his employment, then he shall, on recommendation of the District Attorney receive an annual salary of \$17,000.

Section 2. (C). When each Deputy District Attorney has completed two years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$18,000.

Section 2. (D). When each Deputy District Attorney has completed three years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$19,000.

Section 2. (E). When each Deputy District Attorney has completed at least five years, but not more than seven years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$21,500.

Section 2. (F). When each Deputy District Attorney has completed at least seven years of service in such office to the satisfaction of the District Attorney, he shall, on recommendation of the District Attorney receive an annual salary of \$24,000.

Section 3. In determining the present salary of each Deputy District Attorney serving in such office at the time that this Act becomes a law, it is intended that such salary be what it would have been if this law had been effective at the time that such Deputy District Attorney began his service as such Deputy District Attorney, and that the service of such Deputy District Attorney has been satisfactory to the District Attorney, and that the District Attorney has after each year of such service recommended that such Deputy District Attorney receive the maximum salary increase possible under this Act.

Section 4. In the event that after this Act becomes a law any former Deputy District Attorney shall be re-employed in such office, then his prior term of service in such office may be considered in determining his salary, in the discretion of the District Attorney; and, if such former Deputy District Attorney shall have also served as a Public Defender, then the time served as such Public Defender may also be considered in determining his salary, in the discretion of the District Attorney.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Johnson, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 916, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Callahan, Carothers, Cates, Cooper, Cross, Crowe, Dial, Greer, Hill, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCulley, Merrill, Morris, Naramore, Pegues, Plaster, Porter, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Teague, Trammell, Warren, Weeks, Whatley and Williams.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Baker, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Crowe, Dial, Drake, Glass, Greer, Hill, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, Martin, Merrill, Morris, Naramore, Pegues, Plaster, Porter, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Taylor, Teague, Trammell, Venable, Weeks, Whatley, Williams and Wyatt.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Hines, the rules were suspended in order to bring up out of order the bills, H. 34, H. 761 and S. 733.

And the bill:

H. 34. To provide for the temporary release of certain persons convicted of a felony and sentenced to a term of confinement and treatment in a state correctional institution under the jurisdiction of the Board of Corrections to seek employment and a place of residence in the community where he will reside after release from his sentence.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Edwards, Ford, Glass, Goodwin, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Sonnier, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 761. To amend Code of Alabama 1940, Title 15, Section 325 relative to place of confinement for persons sentenced to three years or less imprisonment.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Ed-

wards, Folmar, Ford, Glass, Goodwin, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Morris, Naramore, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

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Nay: Mr. Jackson (R).

—1

And the bill:

S. 733. Relating to employees of the Board of Corrections; providing that the rules and regulations of the State Personnel Department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists and allied professional supportive personnel.

Was read a third time at length and passed.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Folmar, Ford, Glass, Greer, Harrison, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Holmes, the rules were suspended in order to bring up out of order the bill, H. 129.

And the bill:

H. 129. (With Substitute) (With Amendments): To provide for the licensing of speech pathologists and audiologists; to establish an Alabama Board of Examiners for Speech Pathology and Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this Act; and to repeal conflicting laws.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the licensing of speech pathologists and audiologists; to establish and Alabama Board of Examiners for Speech Pathology and

Audiology; to define the powers and duties of such board; to prescribe licensing standards, procedures, and fees; to provide a penalty for violation of this Act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Policy. It is declared that the practice of speech pathology and audiology is a privilege which is granted to qualified persons by legislative authority in the interest of public health, safety, and welfare, and in enacting this law it is the intent of the legislature to require educational training and licensure of any person who engages in the practice of speech pathology and/or audiology; to encourage better educational training programs; to prohibit the unauthorized and unqualified practice of speech pathology and/or audiology and the unprofessional conduct of persons licensed to practice speech pathology and audiology; and to provide for enforcement of this part and penalties for its violation. To help insure the availability of the highest possible quality speech pathology and/or audiology services to the communicatively handicapped people of the the state, it is necessary to provide regulatory authority over persons offering speech pathology and audiology services to the public.

Section 2. Definitions. As used in this act, unless otherwise indicated:

A. "Speech Pathologist" means any person who examines, evaluates, remediates, uses preventive measures or counsels persons suffering, or suspected of suffering from disorders or conditions affecting speech or language. A person is deemed to be a speech pathologist when he practices speech pathology and/or if he offers such services to the public under any title incorporating the words "speech pathology", "speech pathologist", "speech correction", "speech correctionist", "speech therapy", "speech therapist", "speech clinic", "speech clinician", "voice therapist", "language therapist", "aphasia therapist", "communication disorders specialist", or "communication therapist", or any similar title or description of service.

B. "Speech Pathology" means the application of principles, methods, and procedures for the measurement, testing, evaluation, prediction, counseling, instruction, habilitation, or rehabilitation related to the development and disorders of speech, voice, or language for the purpose of evaluating, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals;

C. "Audiologist" means an individual who practices audiology and who presents himself to the public by any title or description of services incorporating the words audiologist, hearing clinician, hearing therapist, or any similar title or description of service;

D. "Audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of evaluating, identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals and may include, but is not limited to, consultation regarding noise control and hearing conservation, as well as evaluation of noise environments and calibration of measuring equipment used for such purposes. For the purpose of this subsection the words "habilitation" and "rehabilitation" include, but are not limited to, hearing aid evaluation and application, preparation of ear impressions, auditory training and speech reading.

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E. "Speech Pathology Aide" and "Audiology Aide" mean those persons meeting the minimum qualifications that may be established by the Board of Examiners for Speech Pathology and Audiology and who work directly under the supervision of a speech pathologist or audiologist, respectively. The qualifications for registration as an aide shall be less than those prescribed for a speech pathologist or audiologist.

F. "Board" means the State Board of Examiners for Speech Pathology and Audiology established under Section 6 of this act.

G. "Person" means any individual, organization, or corporate body, except that only an individual may be licensed under this act.

H. "Association" means the Speech and Hearing Association of Alabama.

Section 3. Persons and Practices Affected. Licensure shall be granted either in speech pathology or audiology if he meets the respective qualifications. Under no circumstances shall any person practice or represent himself as a speech pathologist or audiologist in this state unless he is licensed in accordance with the provisions of this act.

Section 4. Persons and Practices not affected. Nothing in this act shall be construed as preventing or restricting:

A. Physicians or surgeons or persons under their supervision from engaging in the examining, testing and diagnosing of speech and audio defects in this state;

B. A hearing aid fitter and seller (dealer) from engaging in the practice of fitting and selling hearing aids in this state; Act 2425 Regular session of Legislature, 1971 shall not be repealed or affected in any way.

C. Any person licensed in this state by any other law from engaging in the profession or occupation for which he is licensed;

D. The activities and services of a person who holds a valid and current credential as a speech and/or hearing specialist, issued by the Department of Education of this state, or, a person who is employed as a speech pathologist or audiologist by the Government of the United States, if such person performs speech pathology and audiology services solely within the confines or under the jurisdiction of the organization by which he is employed. However, such person may, without obtaining a license under this act, consult with or disseminate his research findings and other scientific information to speech pathologists and/or audiologists outside the jurisdiction of the organization by which he is employed. Such person may also offer lectures to the public for a fee, monetary or other, without being licensed under this act. Such persons may additionally elect to be subject to and licensed under the provisions of this act.

E. The activities and services of persons pursuing a course of study and or training in speech pathology and/or audiology at a college or university, if such activities and services constitute a part of a supervised course of study and/or training at that institution of higher learning, and that such person is designated as an intern, trainee, or by other such titles clearly indicating the training status appropriate to his level of training;

F. The activities and services of a person fulfilling the clinical fellowship experience requirement of Section 5 of this act, if such activities and services constitute a part of the experience required for that section's fulfillment;

G. The performance of speech pathology and/or audiology services in this state by any person not a resident of this state who is not licensed under this act, if such services are performed for no more than seven (7) days in any calendar year and in cooperation with a speech pathologist or audiologist licensed under this act, and if such person meets the qualifications and requirements for application for licensure described herein. However, a person not a resident of this state who is not licensed under this act but who is licensed under the law of another state which has established licensure requirements at least equivalent to those established by Section 5 of this act, or who is the holder of the American Speech and Hearing Association (ASHA) Certificate of Clinical Competence in Speech Pathology or Audiology or its equivalent, may offer speech pathology or audiology services in this state for no more than 30 days in any calendar year, if such services are performed in cooperation with a speech pathologist or audiologist licensed under this act.

Section 5. Eligibility for Licensure. To be eligible for licensure by the Board as a Speech Pathologist or Audiologist, a person shall:

A. Be of good moral character;

B. Submit transcripts from one or more accredited colleges or universities presenting evidence of the completion of sixty semester hours constituting a well-integrated program that includes eighteen semester hours in courses that provide fundamental information applicable to the normal development and use of speech, hearing, and language and forty-two semester hours in courses that provide information about and training in the management of speech, hearing, and language disorders and that provide information supplementary to these fields. Of these forty-two semester hours:

1. No fewer than six may be in audiology for the speech pathologist, or in speech pathology for the audiologist;

2. No more than six may be in courses that provide academic credit for clinical practice;

3. At least 24, not including credit for thesis or dissertation, must be in courses in the field in which the licensure is requested;

4. Thirty must be in courses acceptable toward a graduate degree by the college or university in which these courses are taken.

C. Submit evidence of the completion of at least three hundred (300) clock hours of direct clinical experience with individuals representing a variety of communication disorders, the experience being obtained within the training institution or in one of its cooperating training programs and under the supervision of a qualified professional person.

D. Submit evidence of the completion of at least nine consecutive months, at no less than 30 hours per week, of clinical experience in the professional area (speech pathology or audiology) for which a license is sought. This requirement may also be fulfilled by part-time clinical experience, to be completed within a maximum period of 36 months, or 20-24 hours per week for 15 months, or 25-29 hours per week for 12 months. Such clinical experience must be under the direct supervision of, and attested to in a notarized statement by a person licensed or otherwise qualified in the area (speech pathology or audiology) for which a license is being sought. Such clinical experience must additionally follow the completion of the requirements listed in Section 5, (B), (C), and (E).

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E. Register with the Board within thirty (30) days of the initiation of the supervised professional experience required by Section 5, paragraph (D).

F. Pass an examination promulgated by the Board which represents and demonstrates that the applicant has a fundamental knowledge of:

1. The normal psychological, anatomical, and cultural development of speech, hearing, and language;

2. The current principles, procedures, techniques, and instrumentation used in evaluating voice, language and hearing;

3. The disorders of voice, speech, language and hearing and their classifications, causes and manifestations;

4. The principles and remedial procedures used in the habilitation and rehabilitation for disorders or communications; and

5. The relationships between voice, speech, language, and hearing problems and which demonstrates his capability for the organization and administration of programs designed to provide direct service to those who suffer from disorders of communication.

G. Submit evidence of possessing the required training and qualifications for licensure in both speech pathology and audiology in order to receive a dual license for which the fees charged shall be the same as for a single licensure.

Section 6. Establishment of the Board. There is hereby established as an independent agency of the executive branch of the government of the State of Alabama, the Alabama Board of Examiners for Speech Pathology and Audiology.

A. The Board shall be comprised of seven (7) members, who shall be appointed by the Governor from names submitted to the Governor by the Association. Those persons nominated and/or appointed to serve on the Board shall have been engaged in rendering services to the public and/or teaching and/or research in speech pathology and/or audiology for at least five years immediately preceding their appointment. At least three Board members shall be Speech Pathologist, at least three shall be Audiologists, and one shall be a member of the consuming public or an allied professional. The six professional speech pathologist and audiologist Board members shall at all times be holders of active and valid licenses for the practice of speech pathology and audiology in this state, except for the six members first appointed, who shall fulfill the requirements set forth in the appropriate clauses of Section 5 of this act.

B. The Governor shall, within 60 days following enactment of this act, appoint two Board members for a term of one year; two for a term of two years, two for a term of three years, and one for a term of four years. Appointments made thereafter shall be for three year terms, with no person being eligible to serve more than two full consecutive terms. Terms shall begin on the first day of October, except for the first appointee members, who shall serve through the thirtieth day of September of the year in which they are appointed before commencing the terms provided by this subsection.

C. The Board shall meet during the month of October each year for the purposes of annual reorganization, to select a chairman, and an executive secretary, and to compile an annual report of business conducted during the previous year. Copies of the annual report shall be submitted to the Governor, or his duly named representative and filed

in the offices of the members of the Board. Additionally, a report of the actions of the Board will be presented during the program of an annual meeting of the Speech and Hearing Association of Alabama. At least one additional meeting shall be held before the end of each year. Further meetings may be convened at the call of the chairman or any two Board members. All meetings will be open to the public, except that the Board may hold closed sessions to prepare, approve, grade, or administer examinations, or upon request of an applicant who has failed an examination to prepare a response indicating reason for failure.

D. Five members of the Board shall constitute a quorum to do business.

E. When a vacancy on the Board occurs, the Speech and Hearing Association of Alabama shall recommend not less than three persons to fill each vacancy, and the Governor shall make his appointment from the persons so nominated.

F. The Governor shall have power to remove from office any member of the Board for neglect of any duty required by this act, for incompetency, or for unprofessional conduct.

Section 7. Functions of the Board.

A. The Board shall administer, coordinate, and enforce the provisions of this act, evaluate the qualifications and supervise the examinations of applicants for licensure under this act, and shall, at its discretion, investigate allegations of practices violating the provisions of this act.

B. The Board shall adopt rules and regulations relating to professional conduct commensurate with the policy of this act, including, but not limited to, regulations which establish ethical standards of practice, and for other purposes, and may amend or repeal the same in accordance with the administrative procedures of this state. Following their adoption, such rules and regulations shall govern and control the professional conduct of every person who holds a license to practice speech pathology and audiology in this state.

C. The Board shall, by appropriate regulations, make provisions for the continuing professional education of persons subject to the provisions of this act.

D. Upon the request of any person, the Board shall furnish a list of persons licensed under the provisions of this act.

E. The Board shall promulgate the rules and regulations necessary to provide for registration and supervision of applicants for licensure while the applicant is meeting the professional experience requirement enumerated in Section 5, D.

F. The conferral or enumeration of specific powers elsewhere in this act shall not be construed as a limitation of the general functions conferred by this section.

Section 8. Administrative Provisions of the Board.

A. The Board may employ, and at its pleasure discharge, and executive secretary and such officers and employees as may be necessary, and the Board shall also outline their duties and fix their compensation and expense allowances.

B. The Board shall adopt a seal by which it shall authenticate its proceedings. Copies of the proceedings, records and acts of the Board

and certificates purporting to relate the facts concerning such proceedings, records and acts signed by the secretary and authenticated by said seal, shall be prima facie evidence in all the courts of this state.

C. The Board shall report to the State Comptroller by the fifth day of each month the amount and source of all revenue received by it pursuant to this act during the previous month, and shall at that time pay the entire amount thereof into a separate trust fund for the Board established upon enactment of this act within the state treasury. The comptroller is hereby authorized and directed to establish such a fund.

D. All appropriate expenses incurred by the Board in the administration of the provisions of this act shall be paid by the comptroller, when vouchers relating to such expenses are exhibited as having been approved by the Board.

E. The Board shall be financed from income accruing to it from fees, licenses, and other charges and funds collected by the Board and all such monies are hereby appropriated to the Board. All employee salaries and other expenses shall be paid as budgeted after budgets are approved by the comptroller or within the limitations of any appropriation or funds available for that purpose.

Section 9. Compensation of Board Members.

A. Members of the Board shall receive no compensation for their services; however, they may be reimbursed for necessary expenses pursuant to state regulations from funds derived from fees collected under the provisions of this act or from other available revenue sources.

Section 10. Application for Licensure.

A. A person eligible for licensure under Section 5 of this act and desirous of licensure shall make application for examination to the Board at least 30 days prior to the date of examination, upon a form and in such manner as the Board shall prescribe, and shall mail or deliver same to a permanent address set and made known to the general public by publication by the board.

B. Any application shall be accompanied by the fee prescribed herein, which fee shall in no case be refunded.

C. A person who fails an examination may make application for re-examination if he again meets the requirements of subsections (A) and (B) of this section.

D. A person certified by the American Speech and Hearing Association, generally known as ASHA, or licensed under the law of another state, a territory of the United States, or the District of Columbia as a speech pathologist or audiologist who has applied for licensure under this section may perform speech pathology and audiology services in this state during the interim period of time prior to Board action on that application.

Section 11. Examination for license.

A. Applicants for licensure shall be examined at a time and place and under such supervision as the Board may determine.

B. The Board may examine in whatever theoretical or applied fields of speech pathology and audiology it considers appropriate to the area of specialization and may examine with regard to a person's professional skills and judgment in the utilization of speech pathology and audiology techniques and methods.

C. The Board shall maintain a permanent record of all examination scores.

Section 12. Licensing Under Special Conditions.

A. The Board shall waive the examination and educational requirements and grant a license to those applicants who, on the effective date of this act, have been actively engaged in the practice of speech pathology and audiology in Alabama for a total period of at least two of the last five years, upon proof of a bonafide practice presented to the Board in a manner prescribed by the Board's regulations. However, any such applicant must file an application for licensure. For a period of 365 days following the effective date of the act, the Board is authorized to grant licensure under the provisions of this Section for a fee of \$50.00.

B. The Board shall waive the examination and grant licensure to any person certified as clinically competent by ASHA in the area for which such person is applying for licensure upon payment of the licensing fee.

Section 13. Issuance of Licenses.

A. The Board shall issue a license certificate to each person whom it registers as a speech pathologist and/or audiologist. The certificate shall show the full name of the licensee, and shall bear a serial number. The certificate shall be signed by the chairman and secretary of the Board under the seal of the Board.

B. Licenses expire on the 30th day of September following their issuance or renewal, and are invalid thereafter unless renewed. The Board shall notify every person licensed under this act of the date of expiration, and the amount of the renewal fee. This notice shall be mailed to his last known address at least one month before the expiration of the license. Every person licensed under this act shall, on or before October 1 of 1975, and each year thereafter, pay a fee for renewal of license to the Board. The Board may, in the event payment exceeds a period of grace of 30 days, renew a license upon payment of the renewal fee plus a late renewal payment penalty. Failure on the part of any licensed person to pay his renewal fee before the first day in October does not deprive him of his right to renew his license, but the fee to be paid for renewal after October 31 shall be increased by ten percent for each month or fraction thereof that the payment is delayed, up to a maximum of twice the current renewal fee.

C. A person who fails to renew his license within a period of two years after the date of its expiration may not renew it and it may not be restored, reissued, or reinstated thereafter, but such person may apply for and obtain a new license if he meets the requirements of this act.

D. A licensee who wishes to place his license on an inactive status may do so by application to the Board, and by payment of a fee of \$25.00; such an inactive licensee shall not accrue any penalty for late payment of the renewal fee that reactivates his license. The license may be held inactive for a maximum period of two (2) years.

Section 14. Licensure Fees.

A. The Board shall publish in a manner it deems appropriate, fees in the amount prescribed by the legislature for the following purposes:

1. Application for examination;
2. Initial licensing;

3. Renewal of licensure;
4. Late payment for renewal (monthly penalty).

B. A qualified applicant for licensing who has successfully passed the examination prescribed by the Board and has paid the fee shall be licensed by the Board as a Speech Pathologist and/or Audiologist. The licensing fee and the annual renewal fee shall be an amount fixed by the Board. Fees may not be refunded to applicants or licensees under any circumstances. The fees to be paid to the Board shall be as follows: an application fee of \$25.00; an initial licensing fee of \$50.00; an annual renewal license fee of \$30.00; and an examination fee and re-examination fee of \$25.00. The fee for issuance of a license issued to replace one that is lost, destroyed, mutilated, or revoked shall be \$10.00; the fee shall accompany the application for a replacement license.

Section 15. Suspension and Revocation of License.

A. The license of any licensee under this act may be suspended or revoked or a reprimand may be issued by the Board upon a finding of the Board that the licensee has committed any of but not limited to the following:

1. Has been convicted of a felony in any court of the United States; if the acts for which the person is convicted are found by the Board to have a direct bearing on whether the individual should be entrusted to serve the public as a speech pathologist or audiologist;

2. Has been guilty of fraud or deceit in connection with his services rendered as a speech pathologist or audiologist; or

3. Has aided or abetted a person, not a licensed speech pathologist or audiologist, in illegally representing himself as a speech pathologist or audiologist within this state; or

4. Has been guilty of unprofessional conduct as defined by the rules established by the Board or has violated the Code of Ethics made and published by the Board; or

5. Has used fraud or deception in applying for a license or in passing an examination provided for in this act; or

6. Has been grossly negligent in the practice of his profession; or

7. Has willfully violated any of the provisions of this act or any regulations adopted hereunder.

B. No license shall be suspended or revoked or reprimand issued until after a hearing before the Board. A notice of at least 10 days shall be served, either personally or by registered or certified mail with the returned receipt signed by the addressee, to the licensee charged, stating the time and place of the hearing, and setting forth the ground or grounds constituting the charges against the licensee. The licensee shall be entitled to be heard in his defense either in person or by counsel, and may produce testimony and may testify in his own behalf. A record of such hearing shall be taken and preserved by the secretary of the Board. The hearing may be adjourned from time to time. If, after due receipt of notice of a hearing, the licensee shall be unable to appear for good cause shown, then a continuance shall be granted by the Board. The time allowed shall be at the discretion of the Board, but in no instance shall it be less than two weeks from the originally scheduled date of the hearing. If the inability of the licensee to appear is due to circumstances beyond his control, then, at the discretion of the Board, a mutually agreed upon date may be set for the hearing. If a licensee re-

peatedly fails or refuses to appear, the Board may proceed to hear and determine charges in his absence. If a licensee pleads guilty, or if upon hearing the charges, five members of the Board find them to be true, the Board shall enter and order suspending or revoking the license or reprimanding the licensee, as the case may be. The Board shall record its findings and order in writing.

C. Powers of the Board: The Board shall have the power to make all by-laws and rules, not inconsistent with the constitution and laws of this state which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal. In carrying into effect the provisions of this act, the Board may, under the hand of its chairman and the seal of the Board, subpoena witnesses and compel their attendance and may also require them to produce books, papers, maps or documents. Any member of the Board may administer oaths of affirmation to witnesses appearing before the Board. Such witnesses officially called by the Board shall receive the same compensation and shall be reimbursed for expenses in the same amount as the members of the Board as provided and set out in Section 5 of this act. If any person shall refuse to appear as a witness before said Board, or refuse to testify, or refuse to produce any books, papers, or documents, the Board may present its petition to the Circuit Court of the county in which the State Capitol is located, setting forth the facts, and thereupon such court shall, in a proper case, issue a subpoena to such person, requiring his attendance before such Circuit Court and there to testify or to produce such books, papers and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of said Circuit Court may be proceeded against in the same manners as for refusal to obey any other subpoena or order of said court. The Board is empowered to apply for relief by injunction, without bond, to restrain any person, partnership or corporation from the commission of any act which is prohibited by this act. Application for said injunction may be made to the Circuit Court of Montgomery County, Alabama or the Circuit Court of the county in which it is alleged that the violation is occurring. The members of the Board shall not be personally liable for instituting any such proceedings.

D. Any person who feels aggrieved by reason of the suspension or revocation of his license or of the Board's reprimand or of the Board's rejection of his application may appeal to the Board for a review of the case; if the Board does not reverse itself at such a hearing, then the aggrieved person may file suit within 30 days after receiving notice of the Board's action, or of the Board's order, in the Circuit Court of Alabama, or in the Circuit Court of the county of his residence, to annul or vacate the action or the order of the Board. The suit shall be filed against the Board as defendant, and service of process shall be upon either the chairman or secretary of the Board. The suit shall be tried by the Court and shall be a trial de novo, but the burden of proof is upon the plaintiff assailing the order of the Board. The judgement of the Circuit Court may be appealed to the Supreme Court of Alabama in the same manner as other civil cases.

E. Upon a vote of five of its members, the Board may restore a license which has been revoked, reduced the period of suspension, or withdraw a reprimand.

Section 16. Court Jurisdiction. The Board, the Attorney General, or the local district attorney may apply to the Circuit Court in the county in which a violation of this act is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of. Thereupon, the Court has jurisdiction over the

proceedings, and may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section is in addition to, and independent of, any other remedies available for the enforcement of this act.

Section 17. Any person who shall practice or offer to practice the profession of Speech Pathology or Audiology without being licensed or exempted in accordance with the provisions of this act, or any person who shall use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a Speech Pathologist or Audiologist, without being licensed or exempted in accordance with the provisions of this act, or any person who shall present or attempt to use as his own the license of another or any person who shall give any false or forged evidence of any kind to the Board or any member thereof in obtaining a license, or any person who shall attempt to use an expired or revoked license, or any person, firm, partnership or corporation, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense. The Board, or such person or persons as may be designated by the Board to act in its stead, is empowered to prefer charges for any of the violations of this act in any county in this state in which such violations may have occurred. It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this act and to prosecute any persons, firms, partnerships or corporations violating the same. The Attorney General of the state and his assistants shall act as legal advisers of the Board and render such legal assistance as may be necessary in carrying out the provisions of this act. All fines collected for the violation of any provisions of this act shall be paid over to the secretary of the Board to be by him delivered to the state treasury to be placed in the "Speech Pathology and Audiology Fund" in the same manner as funds received for the issuance of license.

Section 18. All laws or parts of laws which conflict with this act are repealed.

Section 19. If any part of this act is for any reason held unconstitutional, inoperative, or void, such holding of invalidity shall not affect the remaining portions of the act; and it shall be construed to have been the legislative intent to pass this act without such unconstitutional, invalid, or inoperative part therein; and the remainder of this act, after the exclusion of such part or parts, shall be valid as if such parts were not contained therein.

Section 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Drake, Edwards, Folmar, Greer, Harrison, Higginbotham, Hill, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Morris, Pegues, Plaster, Porter, Reed, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 129 by adding the following at the end of Section 19 and renumbering the subsequent Section:

The provisions of this Act shall in no way be construed to restrain trade, nor to restrict any entrepreneur or the free enterprise system.

And the amendment was adopted.

Yeas 66; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Edwards, Folmar, Gafford, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—66

Nay: Mr. Crowe.

—1

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 129, Section 4 B, Page 4, Line 4, by adding the word testing after the word fitting.

And the amendment was adopted.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Edwards, Folmar, Goodwin, Greer, Hall, Harrison, Higginbotham, Hill, Holmes, Hopping, Howard, Jackson (F), Jackson, (R), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Substitute to H. B. 129, Section 18 by striking out the period after the word repealed and add the following: except Act 2425 Regular Session of the Legislature, 1971.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Crowe, Edwards, Folmar, Greer, Hall, Harrison, Higginbotham, Hill, Howard, Jackson (F),

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Jackson (R), Johnstone, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—65

Mr. Lee offered the following amendment to the bill, H. 129 as amended:

On page 5, add the following subsection H:

H. A person certified as a certified hearing aid audiologist by the National Hearing Aid Society from using the title "Certified Hearing Aid Audiologist."

And the amendment was adopted.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Edwards, Folmar, Greer, Harrison, Higginbotham, Hill, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Manley, Merrill, Morris, Naramore, Plaster, Reed, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—62

And the bill, H. 129 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Greer, Hall, Harrison, Higginbotham, Hill, Hilliard, Holmes, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (O), Morris, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

MOTION TO ADJOURN LOST

The motion offered by Mr. McNair that the House adjourn until 10:00 o'clock a.m., Thursday, October 2, 1975, was lost.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Johnstone, the rules were suspended in order to bring up out of order the bill, H. 1345.

And the bill:

H. 1345. (With Amendment): To provide for application for review of felony sentences of five or more years, except death sentences, by a

panel of three circuit judges appointed from time to time by the President of the Circuit Judges Association.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Judiciary, said committee amendment being as follows:

Amend House Bill 1345, Section 1, page 1, on lines 30 and 31 by deleting the words and inserting in lieu thereof the words at any time after the conviction.

AMENDMENT TABLED

On motion of Mr. Johnstone, the amendment reported by the Standing Committee on Judiciary to the bill, H. 1345, was tabled.

Yeas 53; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Cates, Clark, Coburn, Cooper, Cross, Folmar, Glass, Harrison, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Leonard, Lewis, Lockett, McCluskey, McCulley, McNair, McNees, Merrill, Morris, Naramore, Plaster, Porter, Reed, Rich, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—53

Nay: Mr. Roberts.

—1

And the bill, H. 1345, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Folmar, Glass, Hall, Harrison, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Morris, Naramore, Plaster, Porter, Reed, Rich, Riddick, Sasser, Shelton, Smith (C), Smith (J), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—58

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 1389. Relating to Coosa County, providing monthly expense allowances for the tax assessor, tax collector, and circuit clerk of said county; and giving this Act retroactive effect.

And finds same correctly enrolled with Executive Amendment.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1601. To provide for the partial participation of employees of the Cooperative Extension Service of Auburn University under Federal appointment in the Employees' Retirement System.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Campbell, the rules were suspended in order to bring up out of order the bill, H. 1804.

And the bill:

H. 1804. This Act shall be known as the "Alabama Catfish Marketing and Consumer Act of 1975"; allow for the orderly marketing and easy consumer identification in the retail market place of catfish products produced or processed in the State of Alabama; and for related purposes.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Boles, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Edwards, Folmar, Glass, Hall, Harrison, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—63

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sonnier, the rules were suspended in order to bring up out of order the bills, H. 1074 and H. 1075.

And the bill:

H. 1074. Relating to the regulation of the practice of podiatry in Alabama; to provide that all contracts of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services performed by podiatrists under this Act.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 52; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Edwards, Folmar, Ford, Glass, Greer, Higginbotham, Hines, Holley, Howard, Jackson (F), Jolly, Kennedy, Kinsey, LeFlore, Lockett, McCluskey, McCulley, McNees, Martin, Merrill, Moore (W), Morris, Naramore, Plaster, Reed, Rich, Shelton, Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—52

Nay: Mr. Johnstone.

—1

And the bill:

H. 1075. (With Amendment): Relating to the regulation of the practice of podiatry in Alabama; further amending certain definitions; amending the amounts of certain fees; amending the reciprocity requirements; to allow the board to set additional requirements for renewal of licenses; amending the procedures for the issuing of licenses; amending Section 1, 8, 10, 11, 15 and 17 of Act No. 741, S. 388, Regular Session of 1967 (Acts 1967, p. 1586).

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health, said committee amendment being as follows:

Amend House Bill 1075, Section 1, Line 33, by adding after the word foot "including phalanges and metatarsals",

And the amendment was adopted.

Yeas 50; Nays 1.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Folmar, Glass, Greer, Hall, Higginbotham, Hines, Holley, Howard, Jolly, Kinsey, Lee, LeFlore, Lewis, McCluskey, McCulley, McNees, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Plaster, Reed, Rich, Roberts, Shelton, Smith (M), Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks, White and Williams.

—50

Nay: Mr. Johnstone.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1075 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Carothers, Carter, Cates, Clark, Cross, Folmar, Glass, Greer, Hall, Higginbotham, Holley, Howard, Jackson (F), Jolly, Kennedy, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McNees, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Plaster, Reed, Rich, Roberts, Shelton, Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley and Williams.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MOTION TO RECESS

Mr. Holly offered the motion that the House recess until 7:15 o'clock p.m.

SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. McNair that the House adjourn until 10:00 o'clock a.m., Thursday, October 2, 1975, was lost.

Yeas 27; Nays 53.

Yeas:

Messrs.: Boles, Brindley, Callahan, Coburn, Cross, Edwards, Ford, Goodwin, Hall, Hilliard, Holmes, Hopping, Jackson (F), Jackson (R), Jolly, Kennedy, Leonard, Lockett, Lutz, McNair, Merrill, Porter, Reed, Riddick, Roberts, Shelton and Trammell.

—27

Nays:

Mr. Speaker, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Folmar, Gafford, Glass, Greer, Hines, Holley, Howard, Johnson, Johnstone, Killian, Lee, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNees, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Robertson, Sandusky, Smith (J), Smith (M), Sonnier, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—53

MOTION TO RECESS LOST

The question was then on the motion offered by Mr. Holley that the House recess until 7:15 o'clock p.m., and the motion was lost.

Yeas 35; Nays 44.

Yeas:

Mr. Speaker, Armstrong, Barron, Boles, Brindley, Carter, Cates, Cross, Folmar, Higginbotham, Holley, Holmes, Hopping, Kennedy, Killian,

Lewis, McCulley, McNair, McNees, Manley, Merrill, Moore (O), Pegues, Porter, Reed, Rich, Riddick, Taylor, Teague, Trammell, Tucker, Turnham, Warren, Whatley and White.

—35

Nays:

Messrs.: Biddle, Callahan, Campbell, Carothers, Clark, Coburn, Cooper, Crawford, Edwards, Falkenburg, Ford, Gafford, Glass, Gregg, Hilliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McMillan, Martin, Moore (W), Naramore, Plaster, Roberts, Robertson, Sasser, Smith (J), Smith (M), Venable, Waggoner, Weeks, Williams and Wyatt.

—44

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Sasser, the rules were suspended in order to bring up out of order the bill, H. 79.

And the bill:

H. 79. To amend Title 55, Section 488 (2), Code of Alabama 1940, so as to allow out-of-state travel for employees of institutions under control of the state board of education and employees of local boards of education without prior authorization by the governor, provided such travel shall have been authorized by the president of the institution or the local superintendent of education involved.

Was taken up.

Mr. Sasser offered the following amendment to the bill:

Amend H. B. 79 by adding at the end of Section 1 the following: Also when a state employee is required to travel by air on state business they shall travel tourist (coach) when available.

And the amendment was adopted.

Yeas 58; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Cates, Clark, Falkenburg, Folmar, Ford, Hall, Hill, Hines, Holley, Hopping, Howard, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Reed, Rich, Roberts, Shelton, Smith, (B), Smith (M), Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—58

Nay: Mr. McNair.

—1

And the bill, H. 79 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Falkenburg, Folmar, Ford, Greer, Hall, Hill, Holley, Hopping, Howard, Kelley,

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Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Reed, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (M), Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

Nay: Mr. Johnstone.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Wyatt, the rules were suspended in order to bring up out of order the bill, H. 383.

And the bill:

H. 383. To provide that all contracts of insurance or policies of insurance or plans or agreements for health services issued or delivered in this State shall cover and include the services of Chiropractors.

Was taken up.

Mr. White offered the following amendment No. 1 to the bill:

Amend H. B. 383 as follows:

Following Section 1, add the following new Section 2 and renumber the remaining sections:

Section 2. Any employer having a group health insurance contract for his employees may reject the provisions of this act.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment No. 1 offered by Mr. White to the bill, H. 383, was tabled.

Yeas 40; Nays 22.

Yeas:

Mr. Speaker, Baker, Boles, Coburn, Cooper, Cross, Crowe, Dial, Folmar, Ford, Glass, Goodwin, Greer, Hopping, Howard, Jackson (F), Johnson, Kinsey, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Morris, Naramore, Plaster, Rich, Robertson, Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Waggoner, Warren, Weeks and Wyatt.

—40

Nays:

Messrs.: Armstrong, Cates, Clark, Gafford, Hall, Hill, Hines, Johnstone, Jolly, LeFlore, Leonard, Lockett, Moore (W), Pegues, Roberts, Smith (B), Smith (J), Tucker, Venable, Whatley, White and Williams.

—22

Mr. White offered the following amendment No. 2 to the bill, H. 383 as amended:

Amend H. B. 383 by adding following the word "Chiropractic" on line 18, the following:

, dermatologist, pediatrician and psychiatrist

Further amend the bill on line 19 by adding the following words after the word "Chiropractic":

, dermatologist, pediatrician and psychiatrist

Also further amend the bill by adding on line 24 after the word "contrary." the following:

Provided however, any insurance company providing such a policy of insurance may make an additional charge, subject to the approval of the department of insurance, for the additional coverage provided.

AMENDMENT TABLED

On motion of Mr. Wyatt, the amendment No. 2 offered by Mr. White to the bill, H. 383, was tabled.

Yeas 38; Nays 26.

Yeas:

Mr. Speaker, Baker, Barron, Boles, Callahan, Carothers, Carter, Cross, Crowe, Folmar, Ford, Glass, Higginbotham, Hopping, Howard, Johnson, Kinsey, LeFlore, Lewis, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Naramore, Plaster, Rich, Robertson, Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Warren, Weeks and Wyatt.

—38

Nays:

Messrs.: Armstrong, Cates, Clark, Hall, Hill, Hines, Holley, Johnstone, Jolly, Lockett, Lutz, McCluskey, Manley, Moore (W), Morris, Pegues, Roberts, Sasser, Shelton, Smith (B), Smith (J), Venable, Waggoner, Whatley, White and Williams.

—26

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Johnstone voting "Yea" on the bill, H. 79.

BILLS INDEFINITELY POSTPONED

On motion of Mr. Callahan, all House bills remaining on the Calendar at the time of adjournment on the thirty-fourth legislative day, were indefinitely postponed.

MOTION TO ADJOURN LOST

The motion offered by Mr. Morris that the House adjourn until 10:00 o'clock a.m., Thursday, October 2, 1975, was lost.

Yeas 38; Nays 47.

Yeas:

Messrs.: Albright, Armstrong, Clark, Coburn, Cross, Dial, Edwards, Greer, Hall, Higginbotham, Hill, Hilliard, Holley, Hopping, Jackson (F), Jackson (R), Jolly, Kennedy, Lee, Leonard, Lockett, Lutz, McNair, Manley, Martin, Merrill, Morris, Owens, Pegues, Reed, Riddick, Roberts, Sasser, Smith (B), Teague, Trammell, Whatley and White.

—38

Nays:

Mr. Speaker, Baker, Barron, Biddle, Callahan, Carothers, Cates, Cooper, Crawford, Crowe, Falkenburg, Folmar, Glass, Hines, Howard, Johnson, Johnstone, Kelley, Killian, Kinsey, LeFlore, Lewis, McCluskey, McCulley, McMillan, McNees, Malone, Mitchem, Naramore, Plaster, Rich, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—47

REGULAR SESSION
34th Day

3839

MOTION TO RECESS LOST

The motion offered by Mr. Turnham that the House recess until 8:30 o'clock p.m. was lost.

Yeas 33; Nays 56.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Boles, Dial, Falkenburg, Folmar, Gafford, Higginbotham, Holley, Hopping, Killian, Lewis, McNair, McNees, Moore (O), Moore (W), Morris, Plaster, Rich, Sasser, Smith (B), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Weeks, Whatley and White.

—33

Nays:

Messrs.: Baker, Biddle, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Glass, Goodwin, Greer, Hall, Harrison, Hill, Hiliard, Hines, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Lee, LeFlore, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Mitchem, Naramore, Owens, Pegues, Reed, Roberts, Robertson, Shelton, Smith (C), Smith (J), Smith (M), Venable, Waggoner, Warren, Williams and Wyatt.

—56

H. 383 RESUMED

And the bill, H. 383 as thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 55; Nays 14.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Callahan, Carothers, Carter, Coburn, Cooper, Cross, Crowe, Dial, Drake, Folmar, Ford, Glass, Greer, Hopping, Howard, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Morris, Naramore, Plaster, Reed, Rich, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—55

Nays:

Messrs.: Armstrong, Cates, Clark, Hall, Harrison, Higginbotham, Hill, Hines, Johnstone, Kennedy, Leonard, Moore (W), Whatley and White.

—14

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Baker, the rules were suspended in order to bring up out of order the bill, H. 1946.

And the bill:

H. 1946. To name the state grain elevator at Phenix City, Alabama, the W. O. "Bill" Patterson Grain Elevator.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 66; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Crawford, Cross, Dial, Drake, Edwards, Folmar, Glass, Greer, Hall, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Pegues, Plaster, Rich, Roberts, Robertson, Smith (B), Smith (J), Smith (M), Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

—66

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Shelton, the rules were suspended in order to bring up out of order the bill, S. 209.

And the bill:

S. 209. To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities; and to authorize the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service.

Was read a third time at length and passed.

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Edwards, Folmar, Glass, Hall, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Johnstone, Jolly, Kennedy, LeFlore, Lewis, McCluskey, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Taylor, Teague, Venable, Waggoner, Warren, Whatley and Williams.

—54

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. LeFlore, the rules were suspended in order to bring up out of order the bill, H. 591.

And the bill:

H. 591. (With Substitute): An Act, To amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session, as amended, (Acts of 1969, p. 912), entitled "An Act To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official

business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to raise the amount provided for in said sections.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488(1) and 488(3)], as amended, which Act relates to various expense allowances for state employees so as to provide for increases in subsistence and mileage allowances for such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 3 of [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488(1) and 488(3)], as amended, are hereby further amended to read as follows:

"Section 1. The maximum amount allowable to a person traveling inside the State of Alabama in the service of the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies, for expenses other than transportation shall be fixed by the Governor at not more than twenty five dollars per day, and such maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the State on official business. However, members of the Legislature shall be excluded from the provisions of this section.

"No travel allowance shall be paid for a trip of less than six hours duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of five dollars for a trip of from six to twelve hours duration and for travel in excess of twelve hours duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

"The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the State for a period in excess of two consecutive months; after two consecutive months the amount of the allowance shall be reduced to fifteen dollars per day, provided, however, that the provisions of this section shall not apply to officers and employees of the State of Alabama when they incur expenses representing the State of Alabama in the encouragement and promotion of trade or industrial development and on such occasions, when such representation is properly approved, such persons shall be reimbursed for the actual expenses incurred and paid by them; provided further that such representation must be approved in advance in writing by the Governor or by the Director of Finance when so designated by the Governor; nor shall the provisions of this section apply to examiners or other persons designated by the Superintendent of Insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provisions of Title 28, Section 54 (1)."

"Section 3. Persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies in privately owned vehicles shall receive fifteen cents per mile in lieu of their actual expenses for transportation."

Section 2. All laws or parts of laws in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 50; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Biddle, Boles, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cross, Drake, Edwards, Folmar, Hill, Hines, Holley, Johnstone, Jolly, Kennedy, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (J), Sparks, Starkey, Teague, Tucker, Venable, Warren, Weeks, Williams and Wyatt.

—50

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 591. To further amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session [Acts 1969, p. 912—now appearing in Code of Alabama Recompiled 1958, Title 55, Section 488(1) and 488(3)], as amended, which Act relates to various expense allowances for state employees so as to provide for increases in subsistence and mileage allowances for such employees.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Drake, Edwards, Folmar, Ford, Glass, Greer, Hall, Hill, Hines, Holley, Howard, Jackson (R), Johnstone, Jolly, Kennedy, Killian, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Pegues, Reed, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Tucker, Venable, Warren, Weeks, Williams and Wyatt.

—59

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Smith (C) as co-sponsor to the bill, H. 591.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Williams, the rules were suspended in order to bring up out of order the bill, S. 533.

And the bill:

S. 533. To authorize each municipality in Alabama to convey, without an election, and with or without consideration, its waterworks system, its sanitary sewer system, or either thereof, or any part of either thereof, to any other municipality in the state, and to make agreements with respect to such matters.

Was read a third time at length and passed.

Yeas 54; Nays 1.

Yeas:

Mr. Speaker, Albright, Barron, Boles, Campbell, Carothers, Carter, Cooper, Drake, Folmar, Ford, Glass, Greer, Harrison, Hill, Hines, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—54

Nay: Mr. Leonard.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Killian, the rules were suspended in order to bring up out of order the bill, H. 885.

And the bill:

H. 885. (With Substitute) (With Amendment): To permit the hunting of certain non-native game-birds in this state under specified conditions without a state hunting license.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Conservation, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide that a \$2.00 license good for one day shall be required for hunting on a licensed game preserve within the state where only exotic or non-native game is being hunted.

Be It Enacted by the Legislature of Alabama:

Section 1. A \$2.00 license good for one day shall be required for hunting on a licensed game preserve within the state where only exotic or non(-native) game is being hunted.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Carothers, Carter, Drake, Folmar, Greer, Hall, Hill, Hines, Johnstone, Jolly, Kelley, Killian, Lee, LeFlore, Lutz, McCluskey, McMillan, Merrill, Mitchem, Moore (W), Morris, Owens, Reed, Roberts, Robertson, Sandusky, Sasser, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Weeks, Whatley, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The question was then on the adoption of the amendment reported by the Standing Committee on Conservation, said committee amendment being as follows:

Amend Substitute to House Bill 885 by adding the following sentence after the first sentence in Section 1: The license fee required herein shall be in lieu of any other license fee which may be required by law.

And the amendment was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Campbell, Carothers, Carter, Falkenburg, Folmar, Greer, Hall, Hines, Johnstone, Killian, Lee, Lockett, Lutz, McCluskey, McMillan, McNees, Moore (W), Morris, Pegues, Reed, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Weeks, Whatley, Williams and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 885. To provide that a \$2.00 license good for one day shall be required for hunting on a licensed game preserve within the state where only exotic or non-native game is being hunted.

As thus amended, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 48; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cross, Drake, Folmar, Greer, Hall,

Harrison, Hines, Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McMillan, McNees, Martin, Moore (W), Morris, Owens, Pegues, Reed, Roberts, Sandusky, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Weeks, Whatley, Williams and Wyatt.

—48

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker of the House appointed as the Committee on Conference on the part of the House on the disagreement of the two Houses on the Senate amendment to the bill, H. 803, Messrs. Owens, Jackson (F) and Smith (M).

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Littleton:

S. 712. To amend Section 401, Title 51 of Code of Alabama 1940, so as to define further, gross income of a corporation which adopts a plan of complete liquidation in accordance with Section 337 of the Internal Revenue Code of the United States, and to amend Code of Alabama Title 33, Section 9 relative to filing notice of a tax lien under the provisions of federal law.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 712. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Pearson:

S. 7. To amend Code of Alabama, 1940, Title 52, Section 1, so as to prescribe that a school term in the public school system of this state shall consist of a minimum of one thousand and fifty hours of classes which may be apportioned over days, weeks and months as authorized by the county or city board of education and to redefine certain other terms so that they will be consistent with the above definition of "school term."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 7. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bills and ordered same sent forthwith to the House without engrossment:

By Messrs. Littleton, Stewart and Weaver:

S. 1104. To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama Institute for Deaf and Blind.

Also:

By Mr. St. John:

S. 635. To amend Section 224, Article 12 of the Constitution of 1901, so as to raise the debt limit to provide that no county shall become indebted in an amount including present indebtedness, greater than five percentum of the assessed value of the property therein.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1104. Ways and Means.

SENATE MESSAGE

The Senate bill, S. 635, the title of which is set out in the above and foregoing Message from the Senate, was read a first time at length as required by the Constitution, and referred to the Standing Committee on Constitution and Elections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House without engrossment:

By Mr. Waldrop:

S. 1262. To create a civil service board for cities having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census, providing for the composition of the board and terms of office, providing for the appointment of police and fire chiefs in such cities and prescribing their duties, providing for a grievance procedure for discharge, and providing for promotions of fire and police personnel.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

The Senate Bill, the title of which is set out in the above and foregoing Message from the Senate, was read one time and referred to appropriate Standing Committee as follows:

S. 1262. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

Also:

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Also:

H. 1752. To create the office of supernumerary sheriff in all counties with a population of not less than 10,660 nor more than 10,900 inhabitants according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Also:

H. 915. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

H. 1592. To provide in Tuscaloosa County, Alabama, for the creation, maintenance and regulation of districts for fighting or preventing

fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers and to repeal all conflicting statutes.

Also:

H. 1758. To provide for compensation for members of the jury commission in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1831. Relating to all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent federal decennial census; authorizing the county governing bodies of such counties to make an additional annual appropriation to the tax assessor and tax collector for clerk hire allowances to be paid from the county treasury.

Also:

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Also:

H. 801. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Also:

H. 1518. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Also:

H. 1738. To provide for an expense allowance for the president of the board of commissioners and each associate commissioner of the

board of any city having a population of not less than 32,000 nor more than 34,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

H. 1837. Relating to counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census; providing for the salaries of the chairman and associate members of the civil service boards of such counties and repealing all conflicting laws.

Also:

H. 1841. Relating to all counties having populations of 10,660 or less according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as herein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1688. Relating to counties having a population of not less than 22,250 nor more than 23,000 inhabitants according to the most recent federal decennial census; to provide that no claim presented to the county commission need be sworn to and that no testimony need be presented as to whether any part of such claim has been previously paid.

Also:

H. 1711. To permit banks now or hereinafter situated in the City of Childersburg in Talladega County to establish, maintain and operate branch banks and branch offices within the limits of said city for the conduct of a general banking and trust business; and to repeal conflicting laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1702. To provide that any municipality within Calhoun County may hold a referendum every four years on the question of allowing said municipality to become or remain legally dry, or to become or remain legally wet.

Also:

H. 1401. To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 1707. Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary

for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Also:

H. 1125. Relating to public health; further amending Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p. 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3)) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the law providing for State Board of Health Hospitals and the State master plan of hospitals.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 351. MOURNING THE DEATH OF WILLIAM E. FRETWELL OF PERDIDO.

Also:

H. J. R. 352. MOURNING THE DEATH OF CECIL R. BLACKWELL OF BON SECOUR.

Also:

H. J. R. 354. MOURNING THE DEATH OF THE HONORABLE ORVILLE E. BRADDOCK, MAYOR OF HOOVER.

Also:

H. J. R. 359. MOURNING THE DEATH OF GERALD CARL SWANN.

Also:

H. J. R. 364. CONGRATULATING OUR FIRST LADY, MRS. CORNELIA WALLACE, ON THE HONORS THE CITIZENS OF ELBA BESTOWED UPON HER ON SEPTEMBER 12, 1975.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

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Also:

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

Also:

H. 1230. To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

Also:

H. 1728. Relating to the Seventh Judicial Circuit; to authorize the district attorney to appoint two deputy district attorneys and one clerk-secretary; to fix their salaries and to provide for the payment thereof; and to provide further for the compensation of the investigator for the circuit.

Also:

H. 1426. To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Noble J. Russell Building.

Also:

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

Also:

H. 1493. To name the new Cahaba River Bridge in Perry County the Walter C. Givhan Bridge.

MCDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1842. Relating to all counties having populations of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; authorizing the county governing body to hire deputy sheriffs, subject to available county funding for such purposes.

Also:

H. 1843. Relating to all counties having a population of not less than 10,900, nor more than 11,500 inhabitants according to the most recent federal decennial census; authorizing the governing bodies to establish within any such county or in any municipality located within any such county ambulance service on a non-profit basis; further authorizing any such county to join with any one or more municipality within the county in the establishment of such ambulance service; providing the manner and procedure for establishing the same; authorizing appropriations of public funds and charging certain fees for such service;

and exempting from tort liability any such county and municipality while operating ambulances or providing ambulance service as authorized herein.

Also:

H. 1845. To create a 12 member Board to serve as a County Wide Rural Sanitation Board, for Marshall County, Alabama to assist in obtaining sewage treatment and disposal facilities for said County.

Also:

H. 1851. Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 1852. Relating to Escambia County; to give the members of the county commission an additional monthly expense allowance.

Also:

H. 1863. Relating to all counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; further regulating the taking of fish from public streams and impounded waters; authorizing the taking of non-game fish by the use of wire mesh baskets, thread hoop nets, or wooden baskets, and prescribing a license tax therefor; and prescribing penalties for violations of the act.

Also:

H. 1875. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 1876. To further amend Section 1 of Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159) as amended by Act No. 1183, H. 1344, approved September 13, 1969 (Acts of Alabama 1969, Vol. III, Page 2212) entitled "An Act to amend Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159), an Act fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees" so that said Act after passage and approval of this Act by the Governor or its otherwise becoming law, shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, and to provide an effective date.

Also:

H. 1898. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, the tax collector, and the circuit clerk of Washington County on a salary basis of compensation.

Also:

H. 1348. To provide for supplementing the salaries or compensation paid to semi-retired or retired circuit judges in the 11th Judicial Circuit.

Also:

H. 1261. Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County, Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

Also:

H. 1835. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 1568. To amend Subsections D and K of Section 186, Section 191, Section 194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H. J. R. 371. Mourning the death of Professor George Walter Hargreaves.

Also:

H. J. R. 380. Commending the Fultondale High School Band.

Also:

H. J. R. 339. Commending The Tuscumbia Senior League All Stars.

Also:

H. J. R. 350. Commending Dean Pierce for 20 years as Dean of Education at Auburn.

Also:

H. J. R. 390. Commending The Chilton County Rescue Squad upon their 20th anniversary.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1790. To amend Section 8, Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), relating to Alabama Pollution Control Finance Authority, so as to increase the amount of bonds authorized to be issued by the Authority from \$25,000,000 to \$30,000,000 and to increase the years of maturity from not exceeding 30 to not exceeding 40 years.

Also:

H. 64. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Conference Committee appointed to reconcile the differences between the two Houses on the Bill:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

And said Bill, H. B. 837, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolution and House Bills hereinafter mentioned were delivered to the Executive Department on the date and hour named, and that I hold the receipt of the Executive Department for same.

Delivered to the Secretary of State at 10:10 A.M. On September 30, 1975

H. 1464 (Constitutional Amendment)

Delivered to the Governor at 10:20 A.M. On September 30, 1975

H. 751

H. 766

H. 770

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H. 1693
H. 1694
H. 1695
H. 1713
H. 1743
H. 1753
H. 1768
H. 1696
H. 1486
H. 1492
H. 1510
H. 1511
H. 1512
H. 1522
H. 1544
H. 1546
H. 1553
H. 1555
H. 1556
H. 1557
H. 1560
H. 1566
H. 1571
H. 1577
H. 1147
H. 1213
H. 1590
H. 805
H. 1237
H. 1277
H. 1295
H. 1335
H. 1413
H. 1262
H. 1383
H. 1421
H. 1422
H. 1458
H. 1481
H. 1465
H. 170
H. 210
H. 355
H. 1215
H. 363
H. 421
H. 424
H. 426
H. 428

Delivered to the Governor at 3:30 P.M. On September 30, 1975

H. 1857
H. 1826
H. 1828
H. 1860
H. 1861
H. 376
H. 229
H. 360
H. 364
H. 365

H. 366
H. 378
H. 1720
H. 1664
H. 1670
H. 1703
H. 920
H. 979
H. 1064
H. 1735
H. 1321
H. 1322
H. 1660
H. 1675
H. 1676
H. 1677
H. 1678
H. 589
H. 209
H. 1189
H. 377
H. 1466
H. 1121
H. 450
H. 824
H. 1680
H. 1681
H. 1683
H. 1687
H. 1278
H. 1722
H. 1532
H. 1533
H. 1535
H. 1563
H. 1580
H. 1581
H. 1597
H. 1619
H. 1627
H. 1636
H. 1667
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H. 1673
H. 1671
H. 1674
H. 1741
H. 1747
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H. 1754
H. 1755
H. 1763
H. 1774
H. 1775
H. 1779
H. 1780
H. 1781
H. 1787
H. 1791
H. 1792
H. 1793

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H. 1794
H. 1796
H. 1561
H. 1149
H. 1162
H. 1164
H. 1201
H. 1200
H. 1264
H. 1279
H. 1299
H. 1301
H. 1382
H. 1797
H. 1799
H. 1801
H. 1868
H. 1800
H. 1803
H. 1818
H. 1819
H. 1820
H. 1825
H. 1858
H. 1637
H. 1639
H. 919
H. 186
H. 809
H. 1479
H. 324
H. 1536
H. J. R. 6

Delivered to the Secretary of State at 3:20 P.M. On September 30, 1975

H. 995
H. 1469
H. 1736

Delivered to the Governor at 6:00 P.M. On September 30, 1975

H. 1389
H. 1601

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

On motion of Mr. Reed and pursuant to the resolution, H. R. 398, heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, October 2, 1975.

Yeas 50; Nays 24.

Yeas:

Mr. Speaker, Albright, Armstrong, Brindley, Callahan, Clark, Coburn, Cross, Dial, Drake, Edwards, Gafford, Hall, Harrison, Higginbotham, Hilliard, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lockett, Lutz, McNair,

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Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Riddick, Roberts, Robertson, Sasser, Smith (M), Sparks, Teague, Trammell, Weeks, Whatley and White.

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Nays:

Messrs.: Barron, Carothers, Carter, Cates, Folmar, Hill, Hines, Killian, LeFlore, Lewis, McCluskey, McMillan, McNees, Malone, Martin, Naramore, Sandusky, Smith (B), Sonnier, Starkey, Venable, Waggoner, Warren and Williams.

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THIRTY-FIFTH DAY

House of Representatives

Montgomery, Alabama

Thursday, October 2, 1975

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by the Reverend Donovan Davidson, Assistant Pastor, First Baptist Church, Montgomery, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the thirty-fourth legislative day and finds the same to be correct.

TOM DRAKE,
Chairman.

On motion of Mr. Crowe, the reading at length of the Journal of the House for the thirty-fourth legislative day was dispensed with and the report of the Standing Committee on Rules was concurred in and adopted, and the Journal for the thirty-fourth legislative day was approved.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, H. J. R. 395, and ordered same returned to the House with a favorable report:

URGING THE DEVELOPMENT OF AN INTERSTATE AND FEDERAL PROGRAM TO USE PRISONER LABOR TO CONSTRUCT A CANAL RUNNING ADJACENT TO THE SOUTHERN MOST STATES REGION.

On motion of Mr. Drake, the resolution, H. J. R. 395, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES

Mr. Drake, Chairman of the Standing Committee on Rules, reported that said Committee in session had acted on the resolution, S. J. R. 91, and ordered same returned to the House with a favorable report:

S. J. R. 91. CREATING A SELECT JOINT INTERIM COMMITTEE TO STUDY GRANTS RECEIVED BY THE VARIOUS STATE DEPARTMENTS AND AGENCIES.

On motion of Mr. Drake, the resolution, S. J. R. 91, was adopted.

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H. R. 409. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the following business in the order named be made special, paramount and continuing order of business on the 35th Legislative Day, taking precedence over any other business of the House.

Report of Standing Committees

Introduction of Bills

Uncontested Local Bills

The following Bills:

S. B. 795	page 4	Public Safety
S. B. 658	page 8	Warehouses
S. B. 391	page 26	Hospital Boards
S. B. 495	page 17	County Commissioners
S. B. 496	page 18	County Commissioners
S. B. 20	page 5	Military Retirement
S. B. 755	page 22	Land Surveyors
S. B. 335	page 11	Insurance
S. B. 169	page 23	Insurance Dept.
S. B. 170	page 24	Insurance Dept.
S. B. 171	page 24	Insurance Dept.
S. B. 1041	page 24	Insurance Dept.
S. B. 517	page 20	Circuit Clerks

S. B. 1018	page 16	Elections
S. B. 152	page 7	Amvets
S. B. 219	page 8	Tie Down—Mobile Homes
S. B. 220	page 9	Bonded—Mobile Homes
S. B. 382	page 16	Mental Health Board
S. B. 473	page 15	Dentists
S. B. 657	page 24	Dentists
S. B. 845	page 19	Gas Systems
S. B. 696	page 14	Commitment-Mental Institutions
S. B. 526	page 6	Marine Environmental Constortium
S. B. 410	page 28	Judicial Judgeships
S. B. 161	page 18	County Commissioners
S. B. 295	page 7	Historical Commission
S. B. 768	page 16	Cotton Buyers
S. B. 775	page 15	Professional Corporations

Other Business

Adjournment

On motion of Mr. Drake, the reading at length of the resolution was dispensed with, the rules suspended, and the resolution, H. R. 409, was adopted.

Also:

By Mr. Harrison:

H. J. R. 410. CREATING AN INTERIM STUDY COMMITTEE ON THE AVAILABILITY OF SAFE AND SANITARY RESIDENTIAL HOUSING FOR LOW AND MODERATE INCOME FAMILIES.

WHEREAS the availability of decent, safe, and sanitary housing to families of low and moderate income is of primary importance in combatting disease, crime, environmental decline, poverty and diminished property values in urban areas; and

WHEREAS shortages of adequate housing can often be traced to the recurrent shortage of funds available to finance such housing; and

WHEREAS the solution to the problem of housing and housing finance shortages can be ascertained only after a complete and comprehensive study of the housing situation in Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Study Committee on the Availability of Safe and Sanitary Residential Housing to low and moderate income families, hereinafter called "the committee".

a. The committee shall be composed of six members of the legislature, three members selected by the Speaker of the House of Representatives, and three members selected by the Lieutenant Governor. The Speaker shall nominate a chairman and the Lieutenant Governor a vice chairman to preside over such committee.

b. The committee shall meet at the call of the chairman as soon as practicable following the adoption of this resolution. The committee shall inquire into the availability and adequacy of residential housing for low

and moderate income persons and families, the existence of shortages of the same, the causes of such shortages, and possible solutions or remedial measures.

c. The committee shall be empowered to hold hearings or meetings at any place in the state, to employ such clerical, legal, and stenographic assistance as may be necessary and the cost of such to be paid as provided by Code of Alabama 1940, Title 32, Section 13.

d. The compensation of committee employees shall be paid as provided in Code of Alabama 1940, Title 32, Sections 13 and 14. The members of the committee shall be entitled to his regular legislative compensation, per diem, and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman, provided, however, that the committee shall not meet more than 25 days.

e. The committee shall prepare a report of its findings and recommendations to the Governor and to each member of the legislature by the fifth day of the 1976 Regular Session. The cost of such report shall be paid out of any funds appropriated to the use of the legislature, on warrants drawn upon the state comptroller upon requisition signed by the committee's chairman. Upon submission of its report, the committee shall stand discharged.

On motion of Mr. Harrison, the rules were suspended and the resolution, H. J. R. 410, was adopted.

BILLS ON SECOND READING

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 67. To require any utility or telephone company that is required to obtain a certificate of public convenience and necessity under Title 48, Section 105 or Section 332 of the 1940 Code of Alabama from the Alabama Public Service Commission for the construction or operation of any facility to give notice of the filing of such application with said Commission to the reasonably identifiable owners of all lands which are proposed to be acquired for the construction or operation of the facility for which the certificate of convenience and necessity is sought, and to provide that such owners shall be entitled to be heard and to participate in such certificate proceedings, except, however, such notice requirement shall not apply to the acquisition of lands or interest in lands for utility or telephone transmission or distribution lines; to repeal all laws or parts of laws in conflict herewith and to provide for the effective date of this Act.

Mr. Manley, Chairman of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 72. (With Amendments): Relating to appeals from the actions or orders of the Alabama Public Service Commission in certain cases; providing for the time, manner and procedure for taking such appeals and for the effect thereof; providing for the construction of this Act; and repealing all laws and parts of laws in direct conflict or inconsistent with the provisions of this Act.

Mr. Owens, Chairman of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 712. To amend Section 401, Title 51 of Code of Alabama 1940, so as to define further, gross income of a corporation which adopts a plan of complete liquidation in accordance with Section 337 of the Internal Revenue Code of the United States, and to amend Code of Alabama Title 33, Section 9 relative to filing notice of a tax lien under the provisions of federal law.

Mr. Smith (J), Chairman of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 635. To amend Section 224, Article 12 of the Constitution of 1901, so as to raise the debt limit to provide that no county shall become indebted in an amount including present indebtedness, greater than five percentum of the assessed value of the property therein.

The above bill was read a second time at length as required by the Constitution.

Mr. Edwards, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 628. Relating to the compensation of the Legal Stenographer of the District Attorney of the Sixth Judicial Circuit, amending Act No. 657 of 1973 Regular Session of Legislature of Alabama.

S. 633. To authorize any county governing body in the Sixth Judicial Circuit to furnish to the office of District Attorney necessary personnel, equipment and supplies.

S. 654. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

S. 742. To amend Section 1 of Act No. 178, H. 94, Special Session 1969 (Acts 1969, p. 244), which provides for the compensation of jurors in Tuscaloosa County.

S. 805. Relating to Lauderdale County; setting the compensation and expense allowance of certain officials.

S. 806. Relating to Lauderdale County; providing for an expense allowance for members of the Lauderdale County Board of Education.

S. 807. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

S. 808. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to au-

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thorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

S. 810. Relating to Lauderdale County; providing for a monthly expense allowance for County Commissioners of Lauderdale County.

S. 811. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

S. 812. Relating to Lauderdale County; providing an expense allowance for the County Coroner.

S. 813. To authorize the city of Florence to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within said city, or any accumulation of trash, rubbish, junk or debris, or any unsightly or dangerous walls, or any abandoned construction of any kind or nature, or motor vehicles or machinery not in operating condition, or any debris of a burned building, or any abandoned or unused swimming pool, or any abandoned wells or cisterns, to be a public nuisance and creating a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating the same.

S. 814. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired and removing the compensation limits of the deputies, secretaries and jailers.

S. 815. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained, and repaired by the State Highway Department, by amending Sections 1, 2, and 5 thereof; providing that the county governing body shall have and exercise the power to set up projects within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with county governing body of Lauderdale County on a quarterly basis and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance, and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

S. 851. Relating to Hale County; regulating and providing for the payment of compensation of election officers.

S. 852. Relating to Hale County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

S. 866. Relating to Hale County; providing for an expense allowance, in lieu of all other expense allowances, for the members of the county governing body for their remaining terms of office and providing for a salary for each such person, in lieu of all other compensation, to take effect upon the expiration of the current terms of office.

S. 1071. Relating to Washington County; providing for the election of the county commission by the county at large; and providing for the residence of the commissioners from districts defined herein.

S. 1113. To provide for branch banking in Winston County.

S. 1241. To repeal Act No. 208, H. 130, Third Special Session of 1975, approved May 5, 1975, entitled "To apply only in counties having a population of not less than 90,000 nor more than 100,000, according to the most recent federal decennial census; to better secure the administration of the financial affairs of such counties by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central purchasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws."

S. 1258. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census, to provide for the constable of the district court in such counties and to set the compensation and expenses, duties, and provisions for election of same.

S. 1260. To alter or rearrange the boundary lines of the Town of Wedowee, Randolph County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Randolph County, Alabama.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 478. To amend the title and Section 18 of Act No. 2431, H. 2569, Regular Session 1971 (Acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census: to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon etc. so as to provide further for the distribution of license fees, taxes, commissions, and other monies received under the provisions of this Act, and to create a board for the purpose of distributing a portion of such monies.

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S. 1179. To provide for Supernumerary-Retired Probate Judges in all counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census; to prescribe the qualifications, term, duties, powers, authority, compensation and benefits of such supernumeraries; to provide for a Probate Judges Retirement Fund in such counties; to regulate the administration and supervision of said Fund and to repeal all conflicting statutes.

S. 571. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

S. 1174. To amend Section 3 of Act No. 1945, Regular Session of the 1971 Alabama Legislature to provide that in all counties having populations of not less than 300,000 nor more than 600,000 inhabitants according to the most recent or any subsequent federal decennial census, the county engineer need not be qualified as a land surveyor in order for the State Highway Department to participate in the payment of a portion of said county engineer's salary.

S. 480. To prohibit the operation of a motor or motorized vehicle upon coastal beaches or sand dunes of any island located within a county having a population of not less than 300,000 nor more than 600,000.

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 481. (With Amendment): To amend Act No. 2441, of the 1971 Legislature (Acts, 1971, page 3903), entitled "An Act to provide that the governing body of any municipality having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may appoint the chief of police of such a municipality in event of a vacancy, from the number of officers of the police force who hold the rank of captain or above, without regard to any Civil Service or Personnel Board rules or regulations concerning such appointment and providing that such Personnel Board may fix the compensation of said chief of police, and his status in any Civil Service System in such municipality."

Mr. Callahan, Chairman of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 1254. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Citronelle, in Mobile County.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 769. To amend Act No. 1178 of the 1973 Regular Session of the Legislature of the State of Alabama, which act established a court to be called the General Sessions Court of Madison County, so as to add thereto Section 18, so as to establish a Small Claims Division of said General Sessions Court of Madison County; to set the jurisdictional amount for claims to be processed through said Small Claims Division;

to provide for the issuance of summons and complaints from said division; to provide for services of processes for claims handled through said division; to provide for filing fees and court costs for claims filed through said division; to provide for procedures, forms, and assistance to plaintiffs in the preparation of claims; to provide for the Clerk of said Court to have authority to enter judgments by default; and to provide for the employment of additional clerks and facilities to assist the General Sessions Court in the implementation of this act.

Mr. Barron, Chairman of the Standing Committee on Local Legislation No. 4, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 952 (With Substitute): To repeal Act No. 796, H. 1033, Regular Session 1971 (Acts 1971, p. 1530) and to repeal Act No. 144, H. 130, First Special Session 1971 (Acts 1971, p. 228), both Acts entitled, "An Act Relating to municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census; providing for the election by popular vote of members of the city board of education, to prescribe their terms, qualifications and compensation, and to abolish existing boards of education in such cities."

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 1584. (With Amendment): To exempt the Garden Clubs of Alabama from the payment of all state, county and municipal sales and use taxes.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 585. To amend Sections 1 and 4 of Act No. 590, H. 138, Page 827, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

S. 704. To provide for eligibility of Supernumerary District Attorneys by amending Section 1 of Act No. 1873, S. 255, 1971 Regular Session, Acts 1971, p. 3053 [(now appearing in Code of Alabama Re-compiled 1958, Title 13, Section 260 (11b)], as amended.

S. 278. Relating to the 38th Judicial Circuit; to provide for additional Circuit Judge in such Circuit: defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit

S. 1097. (With Substitute): To amend Sections 6, 15, 16, 17 and 18 of Act No. 183 enacted at the 1975 Third Special Session of the Legis-

lature of Alabama so as to make different provision for the first term of office of any directors of any hospital authority organized under said Act who are elected by the Central Labor Council; so as to delete the reference in said Act to the University of Alabama; so as to prohibit any employee of any such hospital authority or any hospital or other institution operated by it and any employee of certain other hospital or health care institutions from being a director of any such hospital authority; so as to provide, with respect to governmental immunity, that such hospital authorities may be sued in civil actions ex delicto to the same extent as county hospital boards organized under Act No. 46 (1949 Regular Session), as amended; so as to revise the provisions of said Act relating to the applicability of the rules and regulations of the State Ethics Commission and to provide that the provisions of Act No. 130 (1975 Regular Session) shall apply to the members of the Board of Directors of any such hospital authority to the same extent as to the boards or other similar governing bodies of similar local agencies whose members are elected or appointed by county or municipal governing bodies rather than by the electorate; so as to delete the requirement that all purchases, sales and contracts of such hospital authorities be administered in full compliance with Chapters 22 to 24, inclusive of Title 55 of the Code of Alabama of 1940, and to provide, in lieu thereof, that the provisions of Act No. 217 (1967 Regular Session), as amended, shall apply to such hospital authorities to the same extent as to other local governmental agencies specifically mentioned therein and that the provisions of Act No. 314 (1969 Regular Session) relating to insurance on public building contracts or public construction contracts shall be applicable to all such hospital authorities; and so as to revise the provisions of said Act requiring the publication of annual financial statements.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 1036. To create an additional judgeship for the Sixth Judicial Circuit of Alabama and provide for the election, term, compensation, powers, duties and authority of such judge.

S. 901. Relating to the Twenty-Fifth Judicial Circuit; providing for an additional circuit judge in such circuit.

S. 683. To further amend Act Number 753 approved September 12, 1969, creating The Alabama Constitutional Commission.

S. 300. To amend Act No. 37, H. 175, Special Session 1969 (Acts 1969, p. 88) as amended and as also appearing as Title 51, Sections 188 (10)—188 (18), Code of Alabama, 1940, which relates to the levy of a service use tax on utilities, so as to exclude public schools including all institutions of higher education, junior colleges and trade schools of this state from the provisions of said act.

S. 301. To amend Act No. 21, H. 28, Special Session 1969 (Acts 1969, p. 46) as amended and as also appearing as Title 51, Sections 188 (1)—188 (9), Code of Alabama, 1940, which relates to the levying of a gross receipts tax on utilities, so as to exclude public schools including but not limited to all institutions of higher learning, junior colleges, and trade schools of this state from the provisions of said act.

S. 772. To provide for a treatment program for persons suffering from hemophilia and related diseases, and the administration therefor; and appropriating \$300,000 from the Special Education Trust Fund for the purposes of this act.

S. 659. To amend Sections 1 and 2 of Act No. 399, H. 318, 1967 Regular Session (Acts 1967, p. 1002), and Sections 4 and 7 of Title 51, Code of Alabama 1940, as amended, which relate to applications for exemptions of factories, industries, and plants from ad valorem tax, so as to extend the time for making applications for exemptions for a shorter duration of time.

S. 92. To provide for the enactment of and make Alabama a party to the Southern Growth Policies Agreement.

S. 688. To provide for the creation of a Criminal Justice Advisory Commission; to provide for the membership and function of the Commission; and to make an appropriation to defray the expenses of the Commission.

S. 992. To exempt from the sales tax levied by Act 100, Second Special Session, Legislature of Alabama 1959, sales of sod by a farmer.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

S. 254. (With Substitute): To amend Section 12 of Act No. 1038, H. 1005, 1973 Regular Session, approved September 10, 1973, creating a uniform military code and a uniform code of military justice for the State of Alabama, so as to exempt from the operation of the privilege or license tax and registration fee levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any officer, warrant officer, or enlisted person serving as an active member of any United States armed forces reserve or organization, and disabled veterans who meet certain requirements of residence in Alabama.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 86. (With Amendment): To amend Title 52, Section 41, as amended, Code of Alabama 1940, which relates to the appointment, term, qualifications and salary of the State Superintendent of Education so as to raise the top annual salary that can be paid to the State Superintendent of Education and provides that the State Board of Education may enter into a contract with the State Superintendent of Education for his services for a period not to exceed four years.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 576. To amend Section 19 of Title 51 of the Code of Alabama 1940 to provide for capital improvements and maintenance at the Confederate Memorial Park located at Mountain Creek, Chilton County, thereby indicating respect for the resting place of valiant Confederate soldiers.

S. 1070. Relating to the 14th Judicial Circuit; to provide for an additional Circuit Judge in such Circuit; defining his jurisdiction, powers, rights and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

S. 1104. To further provide for the education and training of deaf, blind and certain other persons and to further define the authority of the board of trustees of the Alabama Institute for Deaf and Blind.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendments, and it was read a second time and placed on the Calendar, to-wit:

S. 400 (With Amendments): To implement the new Judicial Article of the Alabama Constitution (Amendment No. 328 approved December 18, 1973); by establishing a unified judicial system for the state; by establishing a new state court of limited jurisdiction to be known as the District Court of Alabama, having uniform jurisdiction, procedures and costs; by authorizing the establishment of municipal courts having uniform jurisdiction, procedures and costs; by providing that the state bear the cost of personnel and operation of the circuit and district courts; by making appropriations for the payment of salaries, pensions and other costs of the unified judicial system, except the courts of probate and municipal courts; by amending various sections of the Alabama Code of 1940 and subsequent statutes as required to make effective the unified judicial system. The contents of this Act are organized as follows:

The judicial authority of the state is vested in a unified system; amending Section 1 of title 13 of the Code of Alabama, 1940, to reflect constitutional provisions.

The jurisdiction of the circuit court and powers of presiding circuit judges are described with amendments to the Code of Alabama reflecting the new court structure; presiding circuit judge has general supervision of judges and other officers; circuit court has jurisdiction of appeals from municipal and district courts.

Repeals sections 157, 158, 159, 179, 180 and 181 of title 13 of the Code of Alabama, 1940; amends sections 115, 123, 172 of the Code of Alabama, 1940.

Provision is made for probate judges' election to come under the judicial retirement act; amount of benefits specified.

The district court established; effective January 16, 1977; civil and criminal jurisdiction; number of judges and places of holding court; election, compensation and retirement of district judges; provision for primary and secondary system of trials; uniform traffic ticket procedure; preliminary hearing jurisdiction; use of magistrates; district attorney responsible for prosecution; provision for a district court within geographic bounds constituting a district, designating places within districts where court must be held; transfer of cases from present county and other courts; jurisdiction of civil cases up to five thousand dollars (\$5,000.00); special docket for small claims up to five hundred dollars (\$500.00); jurisdiction of involuntary commitment cases, if transferred from probate court; jurisdiction of juvenile cases; exclusive criminal jurisdiction in misdemeanor cases except those in municipal courts; authority to receive guilty pleas in all felonies not involving death penalty.

Repeals sections 313, 314, 315-341, 345, 346, 349 and 384-406 of title 13 of the Code of Alabama, 1940; repeals Act No. 764, approved September 17, 1953; and Act No. 535, approved January 1, 1954.

Jurisdiction of juvenile cases placed in district court; civil, criminal and delinquency procedures and rules regarding juveniles established; age of juveniles revised; appointment of referees; probation services;

advisory boards; scope of jurisdiction; delinquency, custody, commitment, child abuse, offenses against children, paternity, desertion and non-support; investigations and complaints; court custody, detention and shelter care; transfer to criminal court; right to counsel; disposition of neglected and delinquent children; guardians ad litem; confidentiality of records; adult offenses; and appeals.

Repeals sections 350-383 of title 13 and sections 239, 252 (a8), 252 (a9), 252 (a10), 252 (a11), 252 (a12), 252 (a13), 252 (a14), 252 (a15) and 252 (a16) of title 45 of the Code of Alabama, 1940.

Providing for security and protection of judicial facilities; advisory and standing committees; court facilities; travel expenses of appellate court personnel; publishing and construction of rules; coordination and use of appropriations; voluntary diminution of compensation; use of special judges; provisions for senior associate justices to perform duties of chief justice when chief justice unable to act; supernumerary justices or judges and their dependents' rights and benefits; additional permanent duties for designated district court judges; procedure when bill introduced to increase or decrease number of judges or change boundaries of circuit or district; and local legislation affecting the judiciary.

Provision for phased assumption by the state of employment and compensation of personnel of district and circuit courts, beginning October 1, 1977; protection of local retirement rights of county employees transferred to state; compensation of circuit clerks; employee benefits for transferred personnel; positions of confidential secretaries for judges and clerks and bailiffs for judges; court reporters and referees; office of register abolished when present positions become vacant; compensation of registers; court reporters compensation; and supernumerary clerks and registers.

Establishment of municipal courts with uniform jurisdiction, procedures and costs; procedures for abolition of municipal courts by municipalities, transfer of jurisdiction to district court, and apportionment of fines; procedures for re-establishment of municipal courts; appointment and qualification of municipal judges; bail on personal recognizance, fines, jail, suspended sentence, probation; appeals to circuit court; arrest and search warrants; and use of magistrates.

Repeals sections 582-600 of title 37 of the Code of Alabama, 1940; repeals Act No. 403, approved August 16, 1965; Act No. 665, approved September 6, 1961; and Act No. 1108, approved September 12, 1969.

Provision for the presiding circuit judge to administer the indigent defense system; allows local option regarding type defense services provided; establishes an advisory indigent defense commission in each circuit; authorizes establishment of a public defender system in any circuit, paid by the state; and provides for compensation of appointed counsel by the state.

Repeals a portion of section 2 of Act No. 2421, approved October 1, 1971; and amends section 1 of Act No. 2420, approved October 1, 1971.

Probation services conformed to unified court system; provides maximum probation period of five years for felonies and two years for misdemeanors, and for termination of probation.

Amends sections 19, 23 and 24 of title 42 of the Code of Alabama, 1940.

Defines the duties and authority of administrative director of courts as assistant to chief justice as administrative head of judicial system; provides for personnel policies; provides for the attendance by judges

and personnel of judicial system at educational conferences and meetings; provides for study and supervision of programs relating to the administration of justice, and coordination and use of judicial funds from appropriations and grants by the director.

Provides for authority to administer oaths and require testimony and production of records by judicial compensation commission established by the Constitution; and provides for payment of expenses of the commission.

Provides per diem compensation for members of judicial inquiry commission who are not judges in amount of one-half of one percent of annual salary paid by the state to circuit judges.

Provides for expenses of the court of the judiciary and reporter.

Provides for representation of district, municipal and probate judges on judicial conference; amending Act No. 118, approved January 12, 1972.

Provides for assumption by the state of expenses of district and circuit courts, phased over three fiscal years; provides that counties continue to be responsible for construction, maintenance and operation of courtrooms and facilities, and for transfer of title to equipment and furniture to the state; establishes uniform fees and court costs in circuit and district courts; provides for distribution of fees, costs, and fines between state and municipality.

Repeals sections 1, 10, 11, 13, 18-26, 34, 38, 40-43, 55, 59-63, 65, 67, 72-76, 81-83, 85, 86, 89-91, 96, 97, 100-102 and 112 of title 11 of the Code of Alabama, 1940; repeals Act No. 742, approved September 23, 1957; Act No. 58, approved June 1, 1945; section 1 of Act No. 741, approved September 23, 1957; sections 1 and 2 of Act No. 570, approved September 16, 1963; Act No. 311, approved July 28, 1949; section 1 of Act No. 575, approved July 7, 1943; Act No. 573, approved July 7, 1943; Act No. 413, approved July 7, 1945; Act No. 483, approved July 7, 1945; and Act No. 177, approved July 21, 1947; amends sections 2-4, 6, 7, 35-37, 39, 56, 57, 64, 92-95, 98, 104-108, 110 and 113 of title 11 of the Code of Alabama, 1940; and amends section 2 of Act No. 625, approved September 4, 1951; and a portion of section 2 of Act No. 2421, approved October 1, 1971.

Provides for state appropriations for Act.

Provides for severability of provisions of Act in proper case; repealer of existing laws inconsistent with Act; and establishes effective date of Act where individual articles or sections do not establish such, and of individual articles or sections.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 525. To amend Section 8 of Act No. 1277, H. 1345, 1973 Regular Session (Acts of 1973, p. 2181), entitled "An Act To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million, nine hundred twenty-one thousand dollars (\$179,-921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for

the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority of Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof," so as to provide further for the use and distribution of the bond proceeds.

S. 409. To create an additional Judgeship of the Twenty-Second Judicial Circuit, to be designated Circuit Judge Number Two; to provide for his appointment and election, jurisdiction, powers, duties, authority, and qualifications; to render him liable to all the pains and penalties of other Circuit Judges of the State of Alabama; and to provide for and fix the salary of such Judge.

S. 782. To authorize full-time employees of the Tannehill Furnace and Foundry Commission to participate in the State Employees' Retirement System and any insurance programs provided for by state employees; to authorize the Tannehill Furnace and Foundry Commission to contribute any monies appropriated them for any purpose to carry out the provisions of this act, and to make payroll deductions from employees salaries.

S. 1060. To create the Scholarship and Loan Commission of Covington County for the purpose of providing loans and scholarships to persons who plan a career in medicine, and to establish a fund for the fulfillment of the purpose of this Act.

Mr. Merrill, Chairman of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with Amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 1126 (With Amendment): To create the office of senior legislative counsel; to prescribe the qualifications, duties and term of all such officers; and to make appropriations from the state general fund to pay the salaries of all senior legislative counsel.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

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H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Perry, Foshee and Owen.

McDOWELL LEE,
Secretary.

H. 1124 TEMPORARILY CARRIED OVER

On motion of Mr. Owens, consideration of the bill, H. 1124 with Senate amendment, was temporarily carried over.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House non-concurred in the Senate amendment to the bill, H. 1517, said Senate amendment being as follows:

Amend H. B. 1517 as follows:

On Page 1, line 24, Section 1, after the number "(50%)" insert the following: "or \$100,000.00, whichever is less,"

Further amend H. B. 1517 as follows:

On Page 1, line 28, Section 1, after the word "tax" strike the following: ", to the Mobile County Board of Health"

Yeas 14; Nays 1.

Yeas:

Mr. Speaker, Barron, Callahan, Campbell, Crowe, Glass, Hall, Lockett, McCulley, Pegues, Porter, Sandusky, Sonnier and Waggoner.

—14

Nay: Mr. Kennedy.

—1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Callahan, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 1517.

The Speaker of the House named as the Committee on Conference on the part of the House, Messrs. Callahan, Sonnier and McMillan.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

And said Bill, H. B. 916, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 203. To provide for the appointment of assistant district attorneys in the Thirteenth Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Thirteenth Judicial Circuit and to repeal Code of Alabama 1940, Title 13, Section 254 and all amendments thereto.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Sandusky, the House concurred in and adopted the Senate amendment to the bill, H. 203, said Senate amendment being as follows:

Amend House Bill No. 203 Page 2 Line 33, by striking out after the word "by", "Mobile County" and inserting the following: Counties consisting of the Thirteenth Judicial Circuit."

Line 3, Page 4 after the word "of" strike "Mobile County" and insert "the Thirteenth Judicial Circuit".

Line 5, Page 4 after the word "by" strike "Mobile County" and insert "these counties".

Line 9 Page 4 after the word "said" strike the word "County" and insert the word "Counties".

Amend H. B. 203, page 1, line 23, by deleting "ten" and inserting in lieu thereof "eight".

Further amend H. B. 203, page 1, line 33, by deleting "three" and inserting in lieu thereof "two".

Further amend H. B. 203 page 1, line 36, by deleting "three" and inserting in lieu thereof "two".

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Further amend H. B. 203, page 2, line 17, by deleting "three (3)" and inserting in lieu thereof "two (2)".

Further amend H. B. 203 page 2, line 21, by deleting "three (3)" and inserting in lieu thereof "two (2)".

Further amend H. B. 203, page 2, line 26, by deleting "ten (10)" and inserting in lieu thereof "eight (8)".

Further amend H. B. 203, page 2, line 32, by deleting "ten (10)" and inserting in lieu thereof "eight (8)".

Yeas 29; Nays 0.

Yeas:

Mr. Speaker, Biddle, Callahan, Cates, Crowe, Drake, Gafford, Glass, Hall, Hopping, Howard, Johnstone, Jolly, Kennedy, LeFlore, Lewis, Lockett, McCluskey, McCulley, Merrill, Moore (O), Naramore, Porter, Sandusky, Sonnier, Sparks, Trammell, Waggoner and Williams.

—29

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 203 as thus amended, was again read at length and passed.

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Biddle, Callahan, Campbell, Cates, Coburn, Cross, Drake, Edwards, Folmar, Gafford, Goodwin, Hall, Hopping, Johnstone, Jolly, Kennedy, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Merrill, Moore (O), Naramore, Pegues, Porter, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Trammell, Venable, Waggoner, Williams and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1917. To provide for creation of a permanent joint highway committee of the Legislature to facilitate and coordinate a long-range program of highway development in the state, to empower said committee to review and approve long-range (30-year) highway development plans, review annual plans for highway construction, modification, maintenance and administration and annual budgets for the State Highway Department, which plans and budgets shall be submitted to said committee by the State Highway Department; to empower said committee to review priorities for all highway construction and modification projects under

jurisdiction of the State Highway Department, to inspect performance of state highway functions, to conduct hearings, call witnesses and employ consultants, and to do all things necessary or desirable in connection with and incidental to the foregoing functions, and to require that all highway legislation be referred to said committee for its recommendations and approval.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Biddle, the House concurred in and adopted the Senate amendment to the bill, H. 1917, said Senate amendment being as follows:

Amend H. B. 1917 on Page 6, Line 5, by striking Section 6 in its entirety and inserting in lieu thereof the following:

"Section 6. Clerical Assistance. The Chairman of the Joint Highway Committee is hereby authorized to employ one fulltime secretary to be compensated at the same rate of pay as other secretaries employed by the Legislature, to be paid from funds appropriated for the use of the Legislature."

Yeas 43; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Callahan, Campbell, Coburn, Cross, Crowe, Drake, Edwards, Goodwin, Greer, Hall, Hill, Johnstone, Jolly, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNair, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Porter, Reed, Roberts, Sasser, Smith (C), Sparks, Teague Trammell, Turnham, Waggoner, Warren and Wyatt.

—43

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 1917 as thus amended, was again read at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Callahan, Coburn, Cooper, Cross, Crowe, Drake, Falkenburg, Gafford, Goodwin, Greer, Hall, Hopping, Howard, Johnstone, Jolly, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Martin, Merrill, Mitchem, Moore (O), Naramore, Porter, Reed, Roberts, Sasser, Smith (C), Sparks, Teague, Trammell, Waggoner and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 531. To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Ford, the House concurred in and adopted the Senate amendment to the bill, H. 531, said Senate amendment being as follows:

Amend House Bill 531 by inserting beginning on line 33 the following new Section:

Section 3. Nothing in this Act shall grant authority to any persons appointed under the provisions of this Act to enter a classroom for the purpose of enforcing traffic or parking citations.

and by renumbering the remaining sections.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Coburn, Cross, Drake, Gafford, Goodwin, Greer, Hall, Hopping, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sasser, Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 531 as thus amended, was again read at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Cates, Coburn, Cross, Drake, Edwards, Ford, Gafford, Goodwin, Greer, Hall, Hopping, Howard, Johnstone, Jolly, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Venable, Waggoner, Warren, Williams and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the House non-concurred in the Senate amendment to the bill, H. 821, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Senate Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to the existing members of the State Personnel Board, the Governor shall appoint, with the consent of the Senate, two additional members of the Board, who shall have the same qualifications as are now required for membership on the Board, except that one of the additional members may be an employee in the classified service under the State merit system. An employee thus appointed shall be granted administrative leave to attend meetings of the Board.

Section 2. The first appointments under this act shall be effective March 2, 1976. Of the first appointments, one shall be for a period of two years and the other shall be for a period of four years. Succeeding appointments shall be for six-year terms.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 38; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Crowe, Greer, Hall, Johnstone, Jolly, Kelley, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Mitchem, Moore (O), Pegues, Plaster, Robertson, Smith (C), Smith (J), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren and Wyatt.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Crowe, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 821.

The Speaker of the House named as the Committee on Conference on the part of the House, Messrs. Crowe, Robertson and Folmar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 783. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act. No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 783, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 2 of an Act of the Legislature of Alabama being Local Act No. 102, approved June 3, 1943, page 59 of the Local Acts of Alabama of 1943, which was amended by an Act of the Legislature of Alabama, being Local Act No. 784, approved September 8, 1961, page 1136 of the Local Acts of Alabama of 1961, be and the same is hereby amended so as to read as follows: "Section 2. Such attorney so appointed shall receive as his compensation FOUR THOUSAND EIGHT

HUNDRED AND NO/100 (\$4,800.00) DOLLARS per annum, payable in equal monthly installments upon warrants drawn in the same manner as other employees of Mobile County. In addition thereto, shall be paid on warrants drawn on Mobile County for litigation or for other extraordinary regular service at the prevailing hourly rate in said county for such services". But, that said compensation for litigation or other extraordinary regular service at the prevailing hourly rate shall not exceed TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) in any one calendar year unless such excess of TWENTY FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00) is approved for payment by the County Commission.

Section 2. That all laws or parts of laws, general, local or special, in conflict with the provisions of this Act be, and the same are hereby expressly repealed.

Section 3. This Act shall become effective immediately upon its passage by the Legislature and its approval by the Governor or its otherwise becoming a law.

Yeas 44; Nays 0.

Yeas:

Mr. Speaker, Andrews, Barron, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Cooper Crawford, Cross, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Hines, Johnstone, Jolly, Kelley, LeFlore, Lewis, Lockett, McCluskey, McCulley, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Roberts, Sandusky, Smith (C), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—44

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 783 as thus amended, was again read at length and passed.

Yeas 42; Nays 0.

Yeas:

Mr. Speaker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Crawford, Cross, Dial, Folmar, Gafford, Glass, Goodwin, Hines, Johnstone, Jolly, Kelley, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Roberts, Smith (C), Smith (J), Sonnier, Sparks, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Messrs. Falkenburg, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter,

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Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

H. J. R. 411. Thanking Physicians Who Served as a Physician for the Day.

WHEREAS, the Medical Association of the State of Alabama has coordinated the "Physician for a Day" program during this Session of the Legislature, and has furnished the Legislature with the voluntary services of its member physicians on each legislative day and when numerous committee meetings were scheduled, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That the Legislature does now convey its deep appreciation to the members of the Medical Association of the State of Alabama who participated in the "Physician for a Day" program for this unselfish act of public service.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the Medical Association of the State of Alabama for distribution to these volunteer physicians.

On motion of Mr. Falkenburg, the rules were suspended and the resolution, H. J. R. 411, was adopted.

REPORT OF CONFERENCE COMMITTEE
ON HOUSE BILL 1662

We, your Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 1662 beg leave to report as follows:

That the Conference Committee concurs in the Senate amendment to House Bill 1662.

Conferees of the House:

Thomas I. Reed
Jimmy W. Holley
John L. LeFlore

Conferees of the Senate:

E. C. Foshee
L. D. Owen, Jr.
T. Dudley Perry

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Reed, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 1662, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 40; Nays 0.

Yeas:

Messrs.: Barron, Brindley, Callahan, Campbell, Carter, Cates, Coburn, Dial, Falkenburg, Folmar, Goodwin, Hines, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McNair, Mitchem, Moore (O), Naramore, Pegues, Porter, Roberts, Sandusky, Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable Waggoner, Warren and Weeks.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 41; Nays 0.

Yeas:

Mr. Speaker, Barron, Brindley, Campbell, Carter, Cates, Coburn, Cooper, Crowe, Dial, Falkenburg, Folmar, Goodwin, Hines, Howard, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, Manley, Mitchem, Moore (O), Moore (W), Naramore, Roberts, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Venable, Warren and Weeks.

—41

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

REPORT OF COMMITTEE OF CONFERENCE
ON HOUSE BILL 159

We the committee of conference appointed to reconcile the differences between the two houses concerning the Bill, H. B. 159 have met and considered the matter referred and beg leave to report as follows:

We recommend that the following amendments be adopted by both houses and that the Bill as amended be passed.

Immediately following Section 9, page 4 of said bill, insert the following new sections and renumber the remaining sections accordingly:

"Section 10. The Madison County Commission is hereby authorized to create the office of Administration for the pre-trial release program hereby created which shall be headed by an officer known as the Administrator of the Pre-Trial Release Program of Madison County. Immediately upon the implementation of the release program herein provided, the county governing body of Madison County may appoint an administrator, and may provide personnel and facilities required to maintain the office of Administration. The said administrator shall be subject to the provisions of law pertaining to the Madison County Personnel System. The administrator shall be charged with the general administrative, supervisory and co-ordinating duties of the release program, including specifically, but not limited to, the keeping of complete records pursuant to the program, and the coordination and dissemination of all materials and information between the circuit judges' offices, the district attorney's office and the sheriff's department of Madison County in order to implement and facilitate the provisions of this act. The administrator shall be authorized to use directly in his operations any personnel of the sheriff's department, the district attorney's office or the work-release program, with the cooperation and consent of these various agencies.

The salaries of the administrator and any personnel which may be authorized and employed in the Office of Administration of the Pre-Trial Release Program shall be set by The Madison County Personnel Board and shall be payable from the county general fund in equal monthly installments."

Delete Section 11 from the bill as originally introduced and insert the following Section 11:

"Section 11. Upon the enactment of this act, the governing body of Madison County shall appoint a Citizens' Committee of the Pre-Trial Release Program. The committee shall consist of 5 members, one appointed by each of the five members of the county governing body. No appointment member of the committee shall be eligible to serve if such person is an elected official of the state or county, and no more than one lawyer shall be a member of the committee at any time.

Upon the first state legislative day of 1976 said Citizens' Committee shall report to the legislative delegation and the county governing body of said county of its opinions and estimates of costs involved in the pre-trial release program, the feasibility of such program, and any suggestions relating to possible amendments to this act, including suggested new sources of revenue to accommodate any proposed changes or amendments."

Amend Section 14, the final section of the bill relating to the effective date, by deleting it entirely and inserting in lieu thereof the following section:

"Section 14. This Act shall become effective on October 1, 1976 provided, however, that the Madison County Governing body by resolution may cause this act to be implemented at any time after the first day of the Regular Session of the Legislature of 1976 if they should determine that the legislation does not create a financial hardship for the county."

Renumber Section 10 in the bill as originally introduced as Section 12. Renumber Section 12 in the bill as originally introduced as Section 13. Renumber Sections 13, 14 and 15 in the bill as originally introduced as Sections 15, 16 and 17 respectively.

Bill G. King
Albert McDonald
John Baker
Senate Conferees

Hartwell Lutz
Warren Moore
Frank H. Riddick
House Conferees

COMMITTEE ON CONFERENCE ADOPTED

On motion of Mr. Lutz, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 159, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Barron, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Crowe, Falkenburg, Folmar, Goodwin, Hall, Harris, Hines, Howard, Jackson (F), Johnstone, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeese, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Reed, Riddick, Roberts, Robertson, Sandusky, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Warren, Weeks and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 45; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Campbell, Carter, Cates, Coburn, Cooper, Cross, Crowe, Falkenburg, Folmar, Glass, Goodwin, Hall, Harris, Hines, Howard, Jackson (F), Johnstone, LeFlore, Lockett, Lutz, McCluskey, McCulley, Manley, Moore (O), Moore (W), Naramore, Pegues, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Weeks and Wyatt.

—45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show Mr. Smith (B) voting "Yea" on the bill, H. 159.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 784, said Senate amendment being as follows:

Amend H. B. 784, Section 1 by adding, immediately after the period on line 15, the following:

"It is specifically provided, however, that, if the party calling a witness expressly requests in writing that the subpoena be delivered to such witness personally by the sheriff or one of his deputies in person, such witness shall be so served."

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Coburn, Cooper, Crowe, Folmar, Gafford, Glass, Goodwin, Hall, Harris, Hines, Hopping, Jackson (F), Johnstone, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, McCluskey, McCulley, McNees, Malone, Moore (O), Moore (W), Naramore, Pegues, Porter, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 784 as thus amended, was read a third time at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Carter, Coburn, Cooper, Crowe, Dial, Folmar, Gafford, Glass, Good-

win, Hall, Harris, Higginbotham, Hines, Hopping, Howard, Jackson (F), Johnstone, Kennedy, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Moore (O), Moore (W), Naramore, Pegues, Reed, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Sonnier, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 570. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

McDOWELL LEE,
Secretary.

SENATE AMENDMENT

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 570, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

Be It Enacted by the Legislature of Alabama:

Section 1. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000 is amended further to read as follows:

"Section 1. In all counties having populations of not less than 300,000 nor more than 500,000 according to the last federal decennial census, the chief deputy sheriff shall be paid a salary of not less than Range 61, Step A, (\$17,436.00) annually. Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such county. The chief clerk in the sheriff's department shall be paid a salary of not less than Range 61, Step A, (\$17,436.00) annually. Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such counties. The chief investigator in the sheriff's department shall be paid a salary of not less than Range 56, Step A, (\$14,112.00) annually. Said salary to be adjusted at the same time and at the same percentage rate as merit system employees in such counties. The assistant chief deputy in the sheriff's department shall be paid a salary of not less than Range 56, Step A, (\$14,112.00) annually. Said salary to be paid at the same time and at the same percentage rate as merit system employees in such counties. The salaries of all the above listed assistants in the sheriff's department shall be payable in equal monthly installments upon warrants being drawn in the same manner prescribed for payment of compensation of county employees."

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Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 51; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Barron, Biddle, Boles, Callahan, Campbell, Carter, Coburn, Crowe, Dial, Falkenburg, Folmar, Gafford, Glass, Goodwin, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Kennedy, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Sandusky, Smith (C), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Weeks, Williams and Wyatt.

—51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, H. 570 as thus amended, was again read at length and passed.

Yeas 53; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crawford, Crowe, Dial, Folmar, Glass, Goodwin, Gregg, Higginbotham, Hines, Holley, Howard, Jackson (F), Johnstone, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Moore (W), Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Trammell, Turnham, Venable, Warren, Williams and Wyatt.

—53

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1742. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; requiring the county governing body to appropriate certain funds to the sheriff to be expended solely by him to cover expenses of his office.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Cross, the House concurred in and adopted the Senate amendment to the bill, H. 1742, said Senate amendment being as follows:

Amend House Bill No. 1742 Page 1 Line 23, by striking out "\$750.00" and inserting: "\$1500.00".

Yeas 58; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Cross, Falkenburg, Folmar, Gafford, Glass, Goodwin, Gregg, Hall, Harris, Higginbotham, Hines, Howard, Jackson (F), Johnstone, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Roberts, Sandusky, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

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And the bill, H. 1742 as thus amended, was again read at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carter, Coburn, Cooper, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hines, Holley, Howard, Jackson (F), Johnstone, Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNeas, Malone, Manley, Mitchem, Moore (W), Naramore, Pegues, Plaster, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

And said Bill, H. B. 897, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill Number 376, and containing a suggested Executive Amendment.

Respectfully submitted,
HENRY B. STEAGALL, II
Executive Secretary.

Done this 2 day of October, 1975.

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To the House of Representatives
State Capitol
Montgomery, Alabama

Lady and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 376 without my signature and approval, and with the following suggested Executive Amendment.

It is my suggestion that you amend House Bill Number 376 by deleting the following language in its entirety:

"Be it Enacted by the Legislature of Mobile County;"

and substituting therefor the following:

"Be it Enacted by the Legislature of Alabama:".

The adoption of the above and foregoing Executive Amendment will remove my objection to this bill.

Respectfully,

GEORGE C. WALLACE
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 376, said Governor's amendment being set out in the above and foregoing Message from the Governor.

Yeas 68; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Cates, Cooper, Cross, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Jackson (R), Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—68

Nay: Mr. Howard.

—1

And the bill:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Cates, Clark, Cooper, Cross, Dial, Edwards, Falken-

burg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White and Wyatt.

—69

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1824. To amend Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, highways, ferries or bridges.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Howard, the House concurred in and adopted the Senate amendment to the bill, H. 1824, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor,

commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, ferries, highways or bridges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243), entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," is hereby amended to read as follows:

"Section 1. That the court of County Commissioners, Board of Revenue, County Commission, or other governing body of Tuscaloosa County, Alabama, shall, for the purpose of constructing and maintaining public roads, highways, streets, ferries, and bridges in Tuscaloosa County, Alabama, levy and collect a privilege tax of one cent per gallon on all gasoline, diesel fuel, naptha and other liquid motor fuels or any device or substitutions therefor, commonly used in internal combustion engines sold or delivered, or taken for use from storage in said County, for the privilege of selling or delivering same for use in Tuscaloosa County; provided however, that nothing contained herein shall be held to apply to that product known as 'diesel fuel' when the same is used in an internal combustion engine for other than the propulsion of a motor vehicle on public roads, highways, streets, ferries and bridges, nor shall

anything contained herein be held to apply to those products known commercially as 'jet fuel' when used in commercial airplanes, 'Kerosene oil', 'fuel oil', or 'crude oil', commonly used for lighting, heating, or industrial purposes."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cates, Clark, Cooper, Edwards, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Reed, Roberts, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White and Wyatt.

—55

And the bill:

H. 1824. To amend Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage or keeping in storage for sale or delivery in such county, gasoline, naphtha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, ferries, highways or bridges.

As thus amended, was again read at length and passed.

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Edwards, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Killian, Lee, LeFlore, Lewis, Lockett, McCluskey, McCulley, Malone, Merrill, Moore (O), Moore (W), Nara-

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more, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—59

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1916. Relating to Cullman County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the paving of roads in Cullman County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Sparks, the House concurred in and adopted the Senate amendment to the bill, H. 1916, said Senate amendment being as follows:

Amend House Bill 1916, Section 1, Subsection (g) to read as follows: "Transporter" means any person transporting coal by highway vehicle from the place where it is severed or from any other place to any other place, within or without Cullman County."

Amend House Bill 1916, Section 4, to read as follows:

"Section 4. Purchaser and transporter reports. Purchasers and transporters of coal severed in Cullman County shall file a report with the commissioner, on forms prescribed by the commissioner, within twenty (20) days after the end of each calendar month in which such purchaser or transporter purchased or transported by highway vehicle coal severed in Cullman County. The report shall state the names and addresses of all producers in Cullman County from whom such purchaser or transporter has received coal during such calendar month; the total quantity of coal so acquired; and, in the case of a transporter, to whom and where each ton of coal was delivered; and such other information as the commissioner may reasonably require for the proper enforcement of the provisions of this act. The report shall be signed by the purchaser or transporter himself in the case of an individual purchaser or transporter, or by a member, officer, or manager of the purchaser or transporter in all other cases."

Yeas 59; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Dial, Edwards, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Kelley, Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—59

And the bill, H. 1916 as thus amended, was again read at length and passed.

Yeas 49; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Callahan, Campbell, Carter, Cates, Coburn, Cooper, Falkenburg, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), LeFlore, Lewis, Lockett, McCluskey, McCulley, McNeas, Manley, Martin, Moore (O), Moore (W), Naramore, Plaster, Rich, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—49

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 978. Relating to cities with populations of more than three hundred thousand; allowing said cities to grant ad valorem tax exemptions for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Hilliard, the House concurred in and adopted the Senate amendment to the bill, H. 978, said Senate amendment being as follows:

Amend the Title of H. B. 978 by adding on line 10 after the word "exemptions" the following words "on city ad valorem taxes".

Yeas 47; Nays 0.

Yeas:

Messrs.: Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cates, Dial, Goodwin, Greer, Gregg, Harris, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Killian, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Merrill, Moore (W), Naramore, Pegues, Plaster, Porter, Reed, Roberts, Smith (B), Smith (C), Smith (M), Starkey, Tucker, Venable Waggoner, Warren, Whatley and Wyatt.

—47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 978. Relating to cities with populations of more than three hundred thousand; allowing said cities to grant ad valorem tax exemptions on city ad valorem taxes for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

As thus amended, was again read at length and passed.

Yeas 56; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Cates, Dial, Falkenburg, Folmar, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Roberts, Smith (B), Smith (C), Smith (M), Starkey, Teague, Trammell, Tucker, Venable, Warren, Whatley, White and Wyatt.

—56

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1285. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Dial, the House concurred in and adopted the Senate amendment to the bill, H. 1285, said Senate amendment being as follows:

Amend House Bill 1285 by striking out Section 1 and inserting in lieu thereof the following:

"Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be and the same are hereby extended, altered, and rearranged so as to include within the corporate limits of said Town all of the following described territory:

The East Half (E $\frac{1}{2}$) of the West Half (W $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) and the East Half of the Southeast Quarter (E $\frac{1}{2}$ of

SE $\frac{1}{4}$) of Section 20; All of Section 21: The West Half (W $\frac{1}{2}$) of Section 22: The West Half of the Southwest quarter of the Southwest Quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 25 north of the southerly right of way of U. S. Highway 78. The South Half of the South Half of the Southeast Quarter (S $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$) and the South Half of the Southwest Quarter (S $\frac{1}{2}$ of SW $\frac{1}{4}$) north of the southerly right of way of U. S. Highway 78 and the West Half of the Southwest Quarter of the Southwest Quarter (W $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$) and the West Half of the East Half of the Southwest Quarter of the Southwest Quarter (W $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$) of Section 26: The West Half (W $\frac{1}{2}$) and the Northeast Quarter NE $\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the Northeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter north of the southerly right of way of U.S. Highway 78 (SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the East Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the East Half of the East Half of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the West Half of the West Half of the West Half of the Southeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$) and the West Half of the Southeast Quarter of the Southeast Quarter south of the northerly right of way of U. S. Highway 78 (W $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) and the East Half of the Southeast Quarter of the Southeast Quarter south of the southerly right of way of U. S. Highway 78 (E $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$) in Section 27: All of Section 28: The portions of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ of SE $\frac{1}{4}$), and of fraction "A" of Section 32 that are Eastwardly of the Westerly right of way line of the old Talladega-Lincoln Highway (1928-1938) and Northerly of U. S. Interstate 20 Highway right of way and all portions of the Southeast Quarter of Section 32 that is Southward of the Northerly right of way of U. S. Interstate 20. All of Section 33: The West Half (W $\frac{1}{2}$) and the South Half of the South Half of the Northeast Quarter (S $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$) and the Northwest Half of the Southwest Quarter of the Southeast Quarter (NW $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$) and the North Half of the Southeast Quarter (N $\frac{1}{2}$ of SE $\frac{1}{4}$) of Section 34: The North Half of the Northeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the North Half of the Northwest Quarter (N $\frac{1}{2}$ of NW $\frac{1}{4}$) that is northward of the Southerly route of U. S. Highway 78 and the East Half of the North Half of the Northwest Quarter of the Northeast Quarter (E $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$) of Section 35: The West Half of the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ of W $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$) of Section 36: All in Township 16 South, Range 5 East. Also the North Half (N $\frac{1}{2}$), and North Half of the Southwest Quarter (N $\frac{1}{2}$ of SW $\frac{1}{4}$) and Alabama Highway 77 in Section 4: The North Half of the Northeast Quarter (N $\frac{1}{2}$ of NE $\frac{1}{4}$) and the North Half of the South Half of the Northeast Quarter (N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$) and the East Half of the East Half of the South Half of the Southeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of S $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$) and the East Half of the East Half of the Northeast Quarter of the Southeast Quarter (E $\frac{1}{2}$ of E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 5. All in Township 16 South, Range 5 East."

Yeas 54; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Clark, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F),

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Killian, Kinsey, Lewis, Lockett, Lutz McCluskey, McCulley, Manley, Merrill, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Starkey, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—54

And the bill, H. 1285 as thus amended, was again read at length and passed.

Yeas 55; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Cooper, Dial, Falkenburg, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Kelley, Killian, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Starkey, Teague, Trammell, Waggoner, Warren, Weeks, Whatley and Wyatt.

—55

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 368. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED CRIMINAL CODE FOR THE STATE OF ALABAMA.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Lee, the House concurred in and adopted the Senate amendment to the resolution, H. J. R. 368, said Senate amendment being as follows:

Amend H. J. R. 368 as follows:

On Page 1, line 23, strike the following sentence: "The committee shall select its own chairman and vice chairman from among its membership." and insert in lieu thereof the following:

"The chairman of the committee shall be the chairman of the standing committee of the Senate Judiciary Committee and the vice chairman shall be the chairman of the standing committee of the House Judiciary Committee."

And the resolution, H. J. R. 368 as thus amended, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the differences between the two Houses on the House amendment to the Bill:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

said Conference Report being in words and figures as follows, to-wit:

REPORT OF CONFERENCE COMMITTEE

ON S. B. 441

We, your Committee on Conference appointed to reconcile the difference between the two Houses concerning S. B. 441 beg leave to report as follows:

That the Senate of Alabama and the House of Representatives concur in and adopt the following:

That in Section 8 paragraph (e) be put back in the bill as follows:

(e) Character. The applicant shall be a person of good moral character and reputation. His applications shall show that he has never been convicted of a felony or a misdemeanor involving either force, violence or moral turpitude, and shall be accompanied by letters from three qualified voters of the area in which the applicant proposes to serve as a firefighter attesting his good reputation.

Conferees of the House:

Bob Glass (Rep.)

Kerry Rich (Rep.)

Ed Robertson (Rep.)

Sen. Bert Bank

Sen. Bingham Edwards

Sen. Maston Mims

And said Bill, S. B. 441, together with the report of the Committee on Conference, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Rich, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 441, said Report being set out in the above and foregoing Message from the Senate.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carter, Cooper, Crowe, Dial, Ed-

wards, Folmar, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley and Wyatt.

—68

And the bill:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crowe, Folmar, Greer, Gregg, Harris, Higginbotham, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill, Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Riddick, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Messrs. Fine and St. John:

S. J. R. 150. WHEREAS, the Senate and the House of Representatives of the State of Alabama are informed that Senator John J. Sparkman and Senator James B. Allen and Representative Robert E. Jones and Representative Tom Bevill have introduced in the Senate and the House of Representatives of the United States a bill to create a United States District Court for the Tennessee Valley District of Alabama, to encompass a territorial jurisdiction composed of the twelve Tennessee Valley counties of this state; and,

WHEREAS, the enactment of such bill by the Congress would relieve members of the public residing within the proposed Tennessee Valley District of burdensome and inconvenient requirements of travel

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for themselves, their witnesses and particularly their attorneys, and inordinate expense incident thereto in the conduct of litigation in the United States Courts and would relieve members of the public summoned for jury duty in such Courts of like burden and expense, thereby making United States Courts accessible to the members of the public of this State concerned with less total cost and greater inconvenience to them; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Senate and the House of Representatives of the State of Alabama that Senator Sparkman, Senator Allen, Representative Jones and Representative Beville be commended for their action in the interest of the public of this State concerned thereby in the introduction in the Congress of the said bill to create a United States District Court for the Tennessee Valley District of Alabama and that the Congress is hereby urged, in behalf of such members of the public of this State, to enact said bill into law.

ADOPTED by the Senate and the House of Representatives of the State of Alabama in regular session at the Capitol in the City of Montgomery this the _____ day of October in the year 1975.

The resolution, S. J. R. 150, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Gilmore:

S. J. R. 147. COMMENDING THE BIRMINGHAM PUBLIC LIBRARY ON ITS BOOK-BY-MAIL PROGRAM FOR THE HANDICAPPED AND SENIOR CITIZEN CITIZENS OVER SIXTY-FIVE YEARS OF AGE.

Also:

By Mr. Flippo:

S. J. R. 148. NAMING THE H. B. 1601 WHICH RECENTLY PASSED THE LEGISLATURE "THE SUMMERVILLE-WAGNON EXTENSION RETIREMENT ACT OF 1975."

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 147, on the Clerk's desk for one legislative day.

The resolution, S. J. R. 148, set out in the above and foregoing Message from the Senate, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

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By Mr. Clemon:

S. J. R. 149. CONGRATULATING SENATOR PEARSON UPON HIS APPOINTMENT TO THE MILES COLLEGE BOARD OF TRUSTEES.

WHEREAS, our distinguished colleague, Senator J. Richmond Pearson has recently been appointed to the Board of Trustees of Miles College in Birmingham, Alabama; and

WHEREAS, Miles is a four year liberal arts institution which has served the Birmingham Community for over 60 years; and

WHEREAS, Senator Pearson has long supported this fine school; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate Senator Pearson upon his appointment to the Miles College Board of Trustees.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolution, S. J. R. 149, on the Clerk's desk for one legislative day.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest. And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release.

MCDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 299. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

MCDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

And said Bill, H. B. 159, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1493. To name the new Cahaba River Bridge in Perry County the Walter C. Givhan Bridge.

Also:

H. 1842. Relating to all counties having populations of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; authorizing the county governing body to hire deputy sheriffs, subject to available county funding for such purposes.

Also:

H. 1843. Relating to all counties having a population of not less than 10,900, nor more than 11,500 inhabitants according to the most recent federal decennial census; authorizing the governing bodies to establish within any such county or in any municipality located within any such county ambulance service on a non-profit basis; further authorizing any such county to join with any one or more municipality within the county in the establishment of such ambulance service; providing the manner and procedure for establishing the same; authorizing appropriations of public funds and charging certain fees for such service; and exempting from tort liability any such county and municipality while operating ambulances or providing ambulance service as authorized herein.

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Also:

H. 1845. To create a 12 member Board to serve as a County Wide Rural Sanitation Board, for Marshall County, Alabama to assist in obtaining sewage treatment and disposal facilities for said County.

Also:

H. 1851. Relating to all counties of not less than 22,000 population nor more than 22,500 population according to the most recent federal census, fixing the fee for issuance of a pistol permit by the sheriff; and providing for the distribution and use of such fees.

Also:

H. 1852. Relating to Escambia County; to give the members of the county commission an additional monthly expense allowance.

Also:

H. 1863. Relating to all counties having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; further regulating the taking of fish from public streams and impounded waters; authorizing the taking of non-game fish by the use of wire mesh baskets, thread hoop nets, or wooden baskets, and prescribing a license tax therefor; and prescribing penalties for violations of the act.

Also:

H. 1875. Relating to counties having a population of not less than 16,600 nor more than 16,950 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 1876. To further amend Section 1 of Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159) as amended by Act No. 1183, H. 1344, approved September 13, 1969 (Acts of Alabama 1969, Vol. III, Page 2212) entitled "An Act to amend Act No. 638, H. 1084, Regular Session 1965 (Acts 1965, p. 1159), an Act fixing the fee for issuance of a pistol permit by the sheriff and providing for the disposition and use of such fees" so that said Act after passage and approval of this Act by the Governor or its otherwise becoming law, shall apply to all counties having populations of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census, and to provide an effective date.

Also:

H. 1348. To provide for supplementing the salaries or compensation paid to semi-retired or retired circuit judges in the 11th Judicial Circuit.

Also:

H. 1261. Relating to Colbert County; providing for the further and additional definitions of "Hospital" for the purpose of defining any "Hospital" operated or to be operated by any Corporation already incorporated or which may hereafter be incorporated in Colbert County,

Alabama, under the provisions of Article 5, Title 22, Code of Alabama, and to provide for further and additional powers for any corporation already incorporated or which may be incorporated in Colbert County under the provisions of Article 5, Title 22, Code of Alabama, (1940) as amended and recompiled.

Also:

H. 1835. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Also:

H. 64. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Also:

H. 1568. To amend Subsections D and K of Section 186, Section 191, Section 194, Subsection C of Section 201, Section 204, Section 207, Subsections D and E of Section 213, Subsections B and C of Section 214, Subsection D of Section 216, Subsection C of Section 218, and Subsections B and C of Section 224, Title 26, Chapter 4, Code of Alabama 1940, as last amended.

Also:

H. 1790. To amend Section 8, Act No. 42, H. 207, Regular Session 1971 (Acts 1971, p. 279), relating to Alabama Pollution Control Finance Authority, so as to increase the amount of bonds authorized to be issued by the Authority from \$25,000,000 to \$30,000,000 and to increase the years of maturity from not exceeding 30 to not exceeding 40 years.

Also:

H. 1898. Proposing an amendment to the constitution of Alabama relating to placing the probate judge, the tax assessor, the tax collector, and the circuit clerk of Washington County on a salary basis of compensation.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution introduced on the twenty-ninth legislative day was read by title pursuant to Joint Rule 11:

H. J. R. 343. CONGRATULATING HUNTSVILLE SENIOR HIGH SCHOOL UPON BEING AWARDED THE NATIONAL BELLAMY AWARD.

On motion of Mr. Crowe, the resolution was adopted en masse.

RESOLUTIONS

The following resolutions introduced on the thirty-fourth legislative day were read by title pursuant to Joint Rule 11:

H. J. R. 407. COMMENDING JOHN L. WEBB.

H. J. R. 408. COMMENDING WALTER R. COSDON.

S. J. R. 146. COMMENDING CLEVELAND L. ADAMS.

On motion of Mr. Crowe, the resolutions were adopted en masse.

REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1711. To permit banks now or hereinafter situated in the City of Childersburg in Talladega County to establish, maintain and operate branch banks and branch offices within the limits of said city for the conduct of a general banking and trust business; and to repeal conflicting laws.

Also:

H. 713. To create a board of trustees to manage, control and maintain Alabama State University; to prescribe the powers, duties, authority, and compensation of the board; to provide for the appointment and prescribe the terms of office of members thereof; to divest the State Board of Education of all jurisdiction, power and authority with respect to the supervision, management and control of said university; and to provide for the transfer from said state board of education to the board of trustees of Alabama State University all supplies, funds, books, documents, records and other property or effects of such university.

Also:

H. 902. To name the new student union building at Livingston University "The George C. Wallace Union Building."

Also:

H. 603. To provide adequate professional, administrative, and clerical personnel, together with necessary equipment and funding for the Office of the District Attorney for the Fifteenth Judicial Circuit.

Also:

H. 1230. To name the bridge across the Pea River on County Road 77 between Pike and Barbour Counties the Samuel Kirke Adams Bridge.

Also:

H. 1728. Relating to the Seventh Judicial Circuit; to authorize the district attorney to appoint two deputy district attorneys and one clerk-secretary; to fix their salaries and to provide for the payment thereof; and to provide further for the compensation of the investigator for the circuit.

Also:

H. 1426. To name a classroom building housing Technical Drafting, Watch Repair, Cosmetology, and other subjects on the campus of John C. Calhoun State Community College the Nobel J. Russell Building.

Also:

H. 76. Relating to taxation, to provide for an exemption from ad valorem taxation on personal property in transit through this state, or in storage in a public or private warehouse or other storage facility for shipment to a destination outside this state, to declare the policy of this state to encourage the development of this state as a distribution center; to provide for certain warehouse or storage facility records with regard to such property; and to repeal inconsistent laws.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Mr. Lutz:

H. J. R. 412. WHEREAS, the Senate and the House of Representatives of the State of Alabama are informed that Senator John J. Sparkman and Senator James B. Allen and Representative Robert E. Jones and Representative Tom Beville have introduced in the Senate and the House of Representatives of the United States a bill to create a United States District Court for the Tennessee Valley District of Alabama, to encompass a territorial jurisdiction composed of the twelve Tennessee Valley counties of this state; and,

WHEREAS, the enactment of such bill by the Congress would relieve members of the public residing within the proposed Tennessee Valley District of burdensome and inconvenient requirements of travel for themselves, their witnesses and particularly their attorneys, and inordinate expense incident thereto in the conduct of litigation in the United States Courts and would relieve members of the public summoned for jury duty in such Courts of like burden and expense, thereby making United States Courts accessible to the members of the public of this State concerned with less total cost and greater inconvenience to them; NOW, THEREFORE,

BE IT HEREBY RESOLVED by the Senate and the House of Representatives of the State of Alabama that Senator Sparkman, Senator Allen, Representative Jones and Representative Beville be commended for their action in the interest of the public of this State concerned thereby in the introduction in the Congress of the said bill to create a United States District Court for the Tennessee Valley District of Alabama and that the Congress is hereby urged, in behalf of such members of the public of this State, to enact said bill into law.

On motion of Mr. Lutz, the rules were suspended and the resolution, H. J. R. 412, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1702. To provide that any municipality within Calhoun County may hold a referendum every four years on the question of allowing said municipality to become or remain legally dry, or to become or remain legally wet.

Also:

H. 1401. To provide for the City of Piedmont in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 1707. Relating to medical clinic boards organized under Act No. 516 (1955 Regular Session), as amended; providing that in cases where any debt service reserve fund established by a medical clinic board is to be entirely funded out of bond proceeds, it will not be necessary for the rental under any related lease to include amounts sufficient to build up such debt service reserve and, in such cases, dispenses with the necessity of any findings by the Board of Directors of any such medical clinic board with respect thereto; providing that medical clinic board bonds may mature at such time or times not exceeding forty years from their date; providing that refunding bonds issued by such a medical clinic board need not be payable solely out of the same revenues out of which the refunded bonds were payable; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Also:

H. 1125. Relating to public health; further amending Section 1 of Act No. 211, S. 107, Regular Session 1945 (General Acts 1945, p. 330), as amended, (now appearing in Code of Alabama, Recompiled 1958, Title 22, Section 204 (3)) so as to include nursing homes and extended care facilities within the definition of the term, hospital, as such term is used in the law providing for State Board of Health Hospitals and the State master plan of hospitals.

Also:

H. 1289. To amend the title and Section 1 of Act No. 235, H. 904, Regular Session 1965 (Acts 1965, P. 339), which provides further for redeeming land sold for taxes, transfers certain duties of the probate judge to the tax collector of certain counties classified on a population basis.

Also:

H. 810. Relating to Bibb County; to require the county commission to establish a county-wide personnel and merit system under the supervision of the State Personnel Department.

Also:

H. 1752. To create the office of supernumerary sheriff in all counties with a population of not less than 10,660 nor more than 10,900 inhabitants

according to the most recent decennial census, and to prescribe the qualifications, duties and salary of such office.

Also:

H. 915. To create a solicitor's fund in the Sixth Judicial Circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitors' fees taxed and collected in all criminal cases in the Sixth Judicial Circuit of Alabama; to authorize the county governing body to appropriate funds from the general fund to be placed in the solicitor's fund; and to authorize expenditures of said fund by the District Attorney of the Sixth Judicial Circuit for law enforcement and the discharge of the duties of his office.

Also:

H. 1592. To provide in Tuscaloosa County, Alabama, for the creation, maintenance and regulation of districts for fighting or preventing fires, districts for the collection and disposal of garbage and districts for both of the aforesaid purposes; to prescribe conditions and regulations relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers and to repeal all conflicting statutes.

Also:

H. 1758. To provide for compensation for members of the jury commission in all counties having a population of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census.

Also:

H. 1831. Relating to all counties having a population of not less than 13,500 nor more than 14,250 inhabitants according to the most recent federal decennial census; authorizing the county governing bodies of such counties to make an additional annual appropriation to the tax assessor and tax collector for clerk hire allowances to be paid from the county treasury.

Also:

H. 60. Relating to counties having populations of 600,000 or more according to the most recent federal decennial census; to regulate further the taking of fish from public streams and impounded waters in such counties except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this act.

Also:

H. 801. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose

of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Also:

H. 1518. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Also:

H. 1738. To provide for an expense allowance for the president of the board of commissioners and each associate commissioner of the board of any city having a population of not less than 32,000 nor more than 34,000 inhabitants according to the most recent federal decennial census and to repeal all conflicting statutes.

Also:

H. 1837. Relating to counties having a population of not less than 110,000 nor more than 150,000 according to the most recent federal decennial census; providing for the salaries of the chairman and associate members of the civil service boards of such counties and repealing all conflicting laws.

Also:

H. 1841. Relating to all counties having populations of 10,660 or less according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as herein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1688. Relating to counties having a population of not less than 22,250 nor more than 23,000 inhabitants according to the most recent federal decennial census; to provide that no claim presented to the county commission need be sworn to and that no testimony need be presented as to whether any part of such claim has been previously paid.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER

The House then proceeded with the consideration of bills on the Special Order.

And the bill:

S. 137. Relating to Lee County; to provide that the county commission shall have the power to levy and collect additional privilege license taxes, cigarette taxes and taxes on charges or fees for solid waste disposal; and occupational taxes outside the city limits of any incorporated municipality in said county; and to provide for the disposition of the proceeds of such taxes.

Having been postponed on the thirty-fourth legislative day, was taken up.

S. 137 POSTPONED

On motion of Mr. Whatley, the bill, S. 137, was postponed to the thirty-sixth legislative day.

RESOLUTIONS

The following resolutions were introduced:

By Messrs. McCorquodale, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 413. MOURNING THE DEATH OF THOMAS D. CONNER.

WHEREAS, the Alabama legislature has noted with a sense of deep regret the passing of Thomas D. Conner; and

WHEREAS, Thomas D. Conner exhibited throughout his life those admirable attributes of friendliness, devotion to duty, and concern for his fellowmen. He gained the respect and affection of all who knew him, whether friend or mere acquaintance; and

WHEREAS, he was an active member of the East Montgomery Exchange Club; and

WHEREAS, Thomas D. Conner was active in community affairs serving on both the city and county Democratic Executive Committee as well as various boards of the City of Montgomery; and

WHEREAS, Thomas D. Conner was a beloved employee of the legislature of Alabama; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF ALABAMA, That we mourn the death of Thomas D. Conner and express our deep and sincere sympathy to his wife, Gladys, and his family to whom copies of this resolution shall be sent.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. R. 413, was adopted.

Also:

By Mr. Crowe:

H. J. R. 414. MOURNING THE DEATH OF JACK BRADFORD SR. OF WALKER COUNTY.

WHEREAS, the Alabama Legislature has noted with a sense of deep regret the passing of Jack Bradford Sr. of Walker County; and

WHEREAS, Jack Bradford Sr. was a devoted community builder who took an active role in the political, religious and community affairs of Walker County; and

WHEREAS, Jack Bradford Sr. was a true Southern gentlemen who was interested in good government and was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his hometown, state and country; and

WHEREAS, this legislature would like to pay tribute to this outstanding citizen of Walker County; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Jack Bradford Sr. and express our deep and sincere sympathy to the members of his family.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 414, was adopted.

Also:

By Mr. Crowe:

H. J. R. 415. CONGRATULATING MR. AND MRS. N. B. UNDERWOOD ON THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, fifty years ago Mr. and Mrs. N. B. Underwood, of Carbon Hill, Alabama, pledged their lives and exchanged the vows of holy matrimony on the altar of love; and

WHEREAS, this lovely couple, who have been life long residents of northwest Alabama, have made immeasurable contributions to the educational, religious, civic and business well-being of the State of Alabama; and

WHEREAS, during a rainbow span of fifty years their married life has shined as an inspiration to all who know them; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily congratulate Mr. and Mrs. N. B. Underwood on their golden wedding anniversary and commend them on their sterling example to all.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mr. and Mrs. N. B. Underwood.

On motion of Mr. Crowe, the rules were suspended and the resolution, H. J. R. 415, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Callahan, the rules were suspended in order to bring up out of order the bill, S. 526.

And the bill:

S. 526. To amend Sections 1, 2, 3, 4, & 5 of Act No. 2432, Regular Session, 1971 (Acts 1971, p. 3890) providing for the creation, incorporation, and operation of the Marine Environmental Sciences Consortium by designating it as a state agency and providing for a Board of Directors with full power and authority for its management; and to grant to state educational institutions and state, county, and municipal agencies authority to make contributions for its support.

Was taken up.

S. 526 INDEFINITELY POSTPONED

On motion of Mr. Callahan, the bill, S. 526, was indefinitely postponed.

SPECIAL ORDER RESUMED

And the bill:

S. 365. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Was read a third time at length and passed.

Yeas 52; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Folmar, Greer, Hall, Harris, Higginbotham, Holley, Holmes, Jackson (F), Jolly, Kelley, Killian, Kinsey, LeFlore, McCulley, Martin, Merrill, Mitchem, Moore (W), Naramore, Pegues, Plaster, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—52

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 407. To alter, re-arrange and extend the boundaries of the Town of Kinsey, in Houston County, Alabama.

Was taken up.

S. 407 INDEFINITELY POSTPONED

On motion of Mr. Carothers, the bill, S. 407, was indefinitely postponed.

And the bill:

S. 410. To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

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Was read a third time at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Folmar Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lutz, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Naramore, Pegues, Plaster, Reed, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—60

And the bill:

S. 558. To amend further Act No. 273, S. 292, approved August 7, 1947, (1947 Local Acts, p. 196), as amended and as last amended, which is designated "The Civil Service Act of Dothan".

Was taken up.

S. 558 INDEFINITELY POSTPONED

On motion of Mr. Carothers, the bill, S. 558, was indefinitely postponed.

And the bill:

S. 679. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Was read a third time at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crawford, Crowe, Dial, Folmar, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Holmes, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—65

And the bill:

S. 680. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Was read a third time at length and passed.

Yeas 63; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Crowe,

Drake, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Holley, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Pegues, Plaster, Reed, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—63

And the bill:

S. 848. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Was read a third time at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Higginbotham, Hill, Hilliard, Holley, Holmes, Hoping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—79

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Carothers, the rules were suspended in order to bring up out of order the bill, S. 1053.

And the bill:

S. 1053. To name the gymnasium at George C. Wallace State Community College after Mrs. Annie Lee Cherry.

Was taken up.

S. 1053 INDEFINITELY POSTPONED

On motion of Mr. Carothers, the bill, S. 1053, was indefinitely postponed.

And the bill:

S. 881. (With Amendment): To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 1, said committee amendment being as follows:

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Amend S. B. 881 by adding a new Section 2 as follows and renumbering all subsequent sections accordingly:

Section 2. No appointees serving on the effective date of this Act shall be affected by this Act. It is the intent of the legislature that appointees serving at the time of passage of this law continue to serve in their positions.

And the amendment was adopted.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill, S. 881 as thus amended, was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 947. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake,

Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put; further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter,

Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 1109. To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz,

McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 1134. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 1135. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

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And the bill:

S. 1152. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 1255. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the judge of the county court.

Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—83

And the bill:

S. 627. To amend Section 14 of Act No. 247, H. 412, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), which act provides for a jury board in Jefferson County so as to allow persons not under twenty-one years and not over seventy years of age to serve as jurors in said county.

Was read a third time at length and passed.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Boles, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Falkenburg,

Folmar, Gafford, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Robertson, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley and Williams.

—69

Nay: Mr. Hilliard.

—1

And the bill:

S. 1173. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Was read a third time at length and passed.

Yeas 22; Nays 6.

Yeas:

Messrs.: Campbell, Clark, Glass, Harris, Higginbotham, Hines, Jackson (F), Jackson (R), Kennedy, Lewis, Lockett, McCulley, McNair, Malone, Manley, Martin, Merrill, Owens, Plaster, Sasser, Shelton and Whatley.

—22

Nays: Messrs.: Drake, Holley, Killian, McCluskey, Naramore and Sparks.

—6

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 905. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census; to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Cross, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Jolly, Kelley, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Trammell, Tucker, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1960. Relating to all counties having a population of not less than 22,575 and not more than 23,800 inhabitants according to the most recent decennial census; providing for the appointment of a bailiff to serve in the circuit and county courts of such counties.

Was read a third time at length and passed, and ordered sent forth-with to the Senate without engrossment.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sasser, Smith (B), Smith (M), Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—70

And the bill:

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Was read a third time at length and passed.

Yeas 76; Nays 0.

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sasser, Smith (B), Smith (J), Smith (M), Sparks, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—76

And the bill:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe,

Dial, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Robertson, Sasser, Smith (B), Smith (M), Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

S. 1112. To authorize and provide for the incorporation in each city in the State having a population of 250,000 or more according to the last or any subsequent Federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the State, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation; to specify the powers of such corporation, including the exercise of the power of eminent domain; to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the State to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal

investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

Was read a third time at length and passed.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McClusky, McCulley, McMillan, McNair, Malone, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sasser, Smith (B), Smith (M), Sparks, Teague, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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S. 1136 TEMPORARILY CARRIED OVER

On motion of Mr. Gafford, the bill, S. 1136, was temporarily carried over.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 371. MOURNING THE DEATH OF PROFESSOR GEORGE WALTER HARGREAVES.

Also:

H. J. R. 380. COMMENDING THE FULTONDALE HIGH SCHOOL BAND.

Also:

H. J. R. 339. COMMENDING THE TUSCUMBIA SENIOR LEAGUE ALL STARS.

Also:

H. J. R. 350. COMMENDING DEAN PIERCE FOR 20 YEARS AS DEAN OF EDUCATION AT AUBURN.

Also:

H. J. R. 390. COMMENDING THE CHILTON COUNTY RESCUE SQUAD UPON THEIR 20TH ANNIVERSARY.

Also:

H. J. R. 351. MOURNING THE DEATH OF WILLIAM E. FRETWELL OF PERDIDO.

Also:

H. J. R. 352. MOURNING THE DEATH OF CECIL R. BLACKWELL OF BON SECOUR.

Also:

H. J. R. 354. MOURNING THE DEATH OF THE HONORABLE ORVILLE E. BRADDOCK, MAYOR OF HOOVER.

Also:

H. J. R. 359. MOURNING THE DEATH OF GERALD CARL SWANN.

Also:

H. J. R. 364. CONGRATULATING OUR FIRST LADY, MRS. CORNELIA WALLACE, ON THE HONORS THE CITIZENS OF ELBA BESTOWED UPON HER ON SEPTEMBER 12, 1975.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to wit:

H. 837. Relating to all counties having populations of not less than 65,000 nor more than 68,000 inhabitants according to the most recent federal decennial census; to provide for an additional secretarial assistant for the office of the district attorney and for the offices of circuit judge of the judicial circuit in which such county lies.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 711. Providing for the establishment of an Alabama Criminal Justice Information Center Commission in order to establish a state-wide criminal justice information system; providing for the reporting of arrests and the disposition of persons charged by the state, county and municipal criminal justice agencies; providing for intra and interstate, as well as national and international cooperation with other criminal justice agencies; and providing penalties for violations of provisions of this Act.

Also:

S. J. R. 98. A Joint Legislative Committee to study the feasibility of a state-wide group comprised of state employees and educators for hospital-medical insurance.

Also:

S. 218. To amend Section 2 of Act No. 107, S. 156, of the Regular Session of 1947, [now appearing in the Code of Alabama 1940, Recompiled 1958 in Title 13, Section 187 (3)] entitled An Act to authorize circuit judges of judicial circuits composed of one county having but one circuit judge to appoint regular bailiffs and fix their terms of office, so as to raise the amount paid bailiffs to an amount not to exceed six hundred dollars (\$600.00) per month.

Also:

S. 290. To amend Section 2 of Act No. 673, S. 800, Regular Session 1969 (Acts of Alabama 1969, p. 1206) relating to the office of sheriff of Marshall County so as to further provide for the number of employees and their compensation.

Also:

S. 292. Relating to Etowah County; to better secure the administration of the financial affairs of such county by vesting in the chairman and members of the county commission a direct and effective financial supervision over all county offices, departments, boards and agencies; to provide for the annual initiation and preparation of a balanced budget of all revenue and expenditures for the County General Fund, Road and Bridge Fund, Gasoline Fund, Public Highway and Traffic Fund, and other funds, including a tentative budget and hearings on the same before adoption of a final budget; to prohibit expenditures in excess of budgeted amounts, and to provide personal civil liability for any department head or other official in charge who violates such prohibition; to provide for proration to prevent an overdraft or deficit; to provide for lapsing of sums budgeted but not expended; to provide that the county commission shall have authority to hire a central pur-

chasing agent in order to make possible the most efficient and economical means of expending county funds; to regulate the office of central purchasing agent and to provide penalties for violations to set the effective date of this act and to repeal conflicting laws.

Also:

S. 535. Providing a method of issuing motor vehicle tags by mail in Marshall County by the judge of probate.

Also:

S. 624. To authorize the county commission of Chambers County to provide for the relief of Wilma M. Atkinson because of property damage sustained to her automobile.

Also:

S. 754. To repeal Act No. 147, H. 14, Third Special Session of 1971 (Acts of 1971, p. 4392), entitled, "An Act Relating to counties having a population of not less than 57,000 nor more than 61,000 inhabitants according to the most recent federal decennial census; requiring the rotation of duties among the county commissioners elected in each such county."

Also:

S. 773. To provide for additional compensation and method of payment of the Register of the Circuit Court of Marion County, Alabama, in Equity.

Also:

S. 794. Relating to the city of Huntsville; to provide for the election of a president and vice-president of the city board of education.

Also:

S. 817. Relating to Choctaw County; regulating and providing for the payment of compensation of election officers.

Also:

S. 820. Relating to Choctaw County; to provide that the county commission pay such a supplement to the pay of jurors so as to make their total pay \$20 per day.

Also:

S. 850. To authorize certain savings and loan associations to establish a branch or branches in certain parts of Chambers County, Alabama.

Also:

S. 891. Relating to taxation, to provide an exemption from Ad-valorem Taxes for personal property held by a licensed public warehouseman for the account of the manufacturer, compounder or processor to be distributed on his orders or for him by the warehouseman.

Also:

S. 907. To authorize and provide for the establishment, operation and financing of a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census, for the representation and defense of persons accused of crime who are declared

indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro-rata return of any excess money in the Public Defender Fund to the counties and Municipal bodies from which received.

Also:

S. 929. Relating to the office of sheriff of Chilton County; providing further for the appointment, number, duties and compensation of deputies; providing for the furnishing of quarters, equipment and clerical help; providing for an expense allowance for the sheriff; and repealing Act No. 340, H. 981, 1973 Regular Session, (1973 Acts, p. 480) and other conflicting laws.

Also:

S. 982. To amend further Act No. 496, H. 930, Regular Session 1953 (Acts 1953, p. 624) as amended, which prescribes the salaries of certain officers of Chambers County and provides for their assistants and the office space and equipment necessary for the conduct of their offices, so as to increase the salary of certain officers.

Also:

S. 1022. Relating to Tuscaloosa County, to provide further for the compensation of members of boards of registrars in such counties.

Also:

S. 1042. Relating to the governing body of Baldwin County, amending Section 1 of Act No. 239, H. 597, Regular Session 1931 (Local Acts of 1931, p. 100), as amended, which act creates the county commission of Baldwin County in lieu of the board of revenue of said county; so as to provide further for the rearrangement and redivision of the commissioners' districts.

Also:

S. 1066. To authorize the Register of the Circuit Court in all counties having populations of not less than 23,900 nor more than 24,450 to hire a clerical assistant, to set the compensation of such assistant, and to provide that the salary of such assistant be paid from the general funds of such counties.

Also:

S. 1077. To provide for the election of members of the county board of education of Chambers County, Alabama; to define the school districts from which the members of the county board of education are elected.

Also:

S. 1131. Relating to Crenshaw County; to provide an additional expense allowance to the county solicitor.

Also:

S. 1132. Relating to Crenshaw County; to provide for the county solicitor's salary.

Also:

S. 1142. Relating to counties with a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to allow the collection of a solicitor's fee by the county in all appropriate cases of the county court whether or not the district attorney is present at the hearing of the case.

Also:

S. 1143. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census, to provide that the sheriff shall be entitled to the allowance payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

Also:

S. 1149. Relating to the thirty-fourth judicial circuit of Alabama, to provide for an investigator, furnished with an automobile and other equipment necessary for the performance of investigative duties; and to provide for a secretarial assistant for the office of district attorney of said judicial circuit.

Also:

S. 1159. Relating to all counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent or any subsequent federal decennial census; to provide that any probate judge who has served 15 or more years may elect to assume certain additional duties for extra compensation upon termination of office or retirement.

Also:

S. 1161. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide for an additional expense allowance for the court reporter of the circuit court of said counties.

Also:

S. 1170. Relating to all cities having a population of 7,400 to 7,600 inhabitants, according to the most recent Federal Decennial Census; to provide that all city boards of education in such cities shall have the power to borrow against revenue derived from the sale of malt or brewed beverages for capital outlay purposes; to provide for the allocation of such revenues; to provide in whom the power to secure loans shall be invested and the procedure to follow; to provide for the payment of any outstanding indebtedness should the voters of any such cities, at any time in the future, vote to prohibit legal sales of alcoholic beverages; to provide that all laws in conflict are hereby repealed; and its becoming effective upon its signing by the Governor or its otherwise becoming law.

Also:

S. 1176. Relating to counties having a population of not less than 23,900 nor more than 24,450 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for certain education officials in such counties.

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Also:

S. 1177. To provide for the City of Oxford in Calhoun County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

S. 1184. Relating to all counties having a population of not less than 23,900 nor more than 24,450; providing for an additional expense allowance for all sheriffs to be paid by the county governing bodies of such counties.

Also:

S. 1185. To amend Act No. 324, H. 784, Regular Session of 1965 (Acts 1965 Regular Session, p. 443), which Act establishes a merit system for the City of Decatur, amending Section 15 of said Act so as to provide for leaves of absence for employees to seek election to public office in Morgan County, and amending Section 21 of said Act so as to limit the prohibited political activities which city employees can engage in to such activities in Morgan County.

Also:

S. 1189. Relating to Morgan County; to alter, rearrange and extend the boundary lines and corporate limits of the Town of Flint.

Also:

S. 1190. To repeal Act No. 829, H. B. 1454, Regular Session 1973, (Acts 1973, p. 1325), entitled, "An Act To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent federal decennial census."

Also:

S. 1191. Relating to Marshall County; authorizing savings and loan associations to open, establish, operate and maintain branch offices.

Also:

S. 1192. To repeal Act No. 1632, H. B. 2379, Regular Session 1971, (Acts 1971, p. 2791), entitled, "An Act To regulate and prescribe the qualifications of persons engaging in the Bail Bond business in counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1193. Relating to Marshall County; regulating and prescribing the qualifications of persons engaging in the Bail Bond business.

Also:

S. 1194. To repeal Act No. 114, H. B. 159, Special Session 1962 (Acts 1962, p. 148), entitled, "An Act To provide for the compensation and expense allowance of members of the county board of education in all counties having populations of not less than 46,600 nor more than 49,050 according to the 1960 or any subsequent federal decennial census; providing for further compensation for certain other services performed for

the school system in any county to which this Act applies in addition to services and duties ordinarily and customarily rendered by board members in such counties; providing for reimbursements for reasonable expenses incurred in performance of such extraordinary services; providing for the time that such increase in compensation shall become effective; and providing penalties for violation of the terms of this Act," and all acts amendatory thereof.

Also:

S. 1195. To repeal Act No. 1340, H. B. 2157, Regular Session 1971, (Acts 1971, p. 2288), entitled, "An Act To authorize the governing bodies of all counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars."

Also:

S. 1196. Relating to Marshall County; authorizing the county governing body to expend funds to furnish office space, equipment, supplies and clerical assistance for the board of registrars; and providing for the effective date of its provisions.

Also:

S. 1197. To repeal Act No. 1336, H. B. 2153, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; providing that the jury commission and board of registrars for said counties be allowed 10 extra authorized meeting days each year, and to provide further for an expense allowance for the members of said bodies."

Also:

S. 1198. Relating to Marshall County; providing that the jury commission and board of registrars be allowed 10 extra authorized meeting days each year and providing further for an expense allowance for the members of said bodies.

Also:

S. 1199. To repeal Act No. 1636, H. B. 2383, Regular Session 1971, (Acts 1971, p. 2793), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide further for clerk hire allowances for certain county officers, repealing conflicting laws."

Also:

S. 1200. Relating to Marshall County; providing further for clerk-hire allowances for certain county officers.

Also:

S. 1202. To repeal Act No. 110, H. B. 151, Third Special Session 1971, (Acts 1971, p. 4334), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide additional compensation, payable from the county funds, for the register of the county court in any such county; and providing that provisions of this Act shall have retroactive effect to September 1, 1971."

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Also:

S. 1203. Relating to Marshall County; providing additional compensation, payable from county funds, to the register of the circuit court for serving as register of the county court.

Also:

S. 1204. To repeal Act No. 157, H. B. 173, Third Special Session 1971, (Act 1971, p. 4401), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000, according to the most decent (sic) federal decennial census; to provide compensation for the court reporter of the county court in such counties."

Also:

S. 1205. Relating to Marshall County; providing additional compensation for the court reporter of the county court.

Also:

S. 1206. To repeal Act No. 1648, H. B. 2395, Regular Session 1971, (Acts 1971, p. 2800), entitled, "An Act Relating to all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to provide further for the expense allowances of the chairman and members of the county governing body."

Also:

S. 1207. Relating to Marshall County; providing further for the expense allowances of the chairman and members of the county governing body.

Also:

S. 1208. To repeal Act No. 1351, H. B. 2168, Regular Session 1971, (Acts 1971, p. 2296), entitled, "An Act Providing additional allowances for clerk hire fund for the office of probate in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1209. To repeal Act No. 1114, S. B. 943, Regular Session 1973, (Acts 1973, p. 1876), entitled, "An Act relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge."

Also:

S. 1210. To repeal Act No. 277, S. B. 171, Third Special Session 1971, (Acts 1971, p. 4553), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; to provide an additional expense allowance for the probate judge of said counties."

Also:

S. 1211. Relating to Marshall County; providing an additional expense allowance for the probate judge.

Also:

S. 1212. To repeal Act No. 1640, H. B. 2387, Regular Session 1971, (Acts 1971, p. 2795), entitled, "An Act To provide for additional supple-

mental salary to be paid to circuit judges of the Twenty-seventh Judicial Circuit; and to fix the amount and method of payment thereof."

Also:

S. 1213. Relating to Marshall County; providing a supplemental salary to the circuit judges of the judicial circuit having jurisdiction in said county.

Also:

S. 1214. To repeal Act No. 1637, H. B. 2384, Regular Session 1971 (Acts 1971, p. 2794), entitled, "An Act To provide for the compensation of the register of the circuit court of any county having a population of not less than 53,000 nor more than 55,000 according to the last or any subsequent federal decennial census; to repeal conflicting general, local, or special laws."

Also:

S. 1215. Relating to Marshall County; providing for the compensation of the register of the circuit court.

Also:

S. 1216. To repeal Act No. 1337, H. B. 2154, Regular Session 1971 (Acts 1971, p. 2286), entitled "An Act To increase the amount of sick leave with pay allowed school bus drivers in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1217. Relating to Marshall County; to regulate the amount of sick leave with pay allowed certain school bus drivers.

Also:

S. 1218. To repeal Act No. 1355, H. B. 2172, Regular Session 1971, (Acts 1971, p. 2298), entitled "An Act To regulate further the feeding of prisoners in jail in all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1219. To repeal Act No. 2132, H. B. 2578, Regular Session 1971, (Acts 1971, p. 3421), entitled "An Act Relating to all counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; to authorize the employment of two additional deputy sheriffs and to set salaries therefor, and to increase the salaries of the chief deputy sheriff and all deputies employed or authorized to be employed at the effective date of this Act."

Also:

S. 1220. To repeal Act No. 204, H. B. 883, Regular Session 1973, (Acts 1973, p. 238), entitled, "An Act Relating to the office of the Sheriff in all counties having a population of not less than 53,000 nor more than 55,000 inhabitants, according to the most recent federal decennial census; to provide for the number of jailers and an increase in the salary of the jailers and to further provide for an increase in the number of clerks in the Sheriff's office and their salary."

Also:

S. 1221. Relating to the office of the sheriff of Marshall County; fixing the compensation of the sheriff's deputies and other employees and providing for the manner of their payment; authorizing the sheriff to receive the allowances prescribed by law for feeding prisoners in jail and requiring him to make monthly statements relative thereto; and repealing conflicting laws, specifically Act No. 673, S. 800, Regular Session 1969 (Acts 1969, p. 1206).

Also:

S. 1222. To repeal Act No. 1349, H. B. 2166, Regular Session 1971, (Acts 1971, p. 2294), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; fixing the fee for the issuance of pistol permits by the Sheriff, providing for the deposit of such fees in a Sheriff's Fund, providing for the use of such fund, and repealing conflicting laws."

Also:

S. 1223. Relating to Marshall County; fixing the fee for the issuance of a pistol permit by the sheriff and providing for the deposit of such fees in a sheriff's fund.

Also:

S. 1224. To repeal Act No. 1338, H. B. 2155, Regular Session 1971 (Acts 1971, p. 2287), entitled, "An Act Authorizing counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census to provide the County Superintendent of Education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided for such officer."

Also:

S. 1225. Relating to Marshall County; providing the county superintendent of education an annual expense allowance, in addition to any and all other salary, compensation or allowances now provided such officer.

Also:

S. 1226. To repeal Act No. 1353, H. B. 2170, Regular Session 1971, (Acts 1971, p. 2297), entitled, "An Act Providing additional expense allowances for the tax assessor of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1227. To repeal Act No. 1347, H. B. 2164, Regular Session 1971, (Acts 1971, p. 2293), entitled, "An Act Providing additional expense allowances for the tax collector of all counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census."

Also:

S. 1228. To repeal Act No. 1357, H. B. 2174, Regular Session 1971 (Acts 1971, p. 2299), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census; authorizing the county governing bodies

of said counties to contribute county funds, within the limit herein prescribed, for the use of any non-profit volunteer rescue squad operating within the county."

Also:

S. 1229. Relating to Marshall County; authorizing the county governing body to contribute county funds for the use of any non-profit volunteer rescue squad operating within said county.

Also:

S. 1230. To repeal Act No. 963, H. B. 2044, Regular Session 1973 (Acts 1973, p. 1472), entitled "An Act Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials."

Also:

S. 1231. To repeal Act No. 1048, S. B. 877, Regular Session 1973 (Acts 1973, p. 1660), entitled, "An Act Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines."

Also:

S. 1232. Relating to Marshall County; requiring the use of voting machines at all polling places; allowing the designation of polling places; permitting electors to register votes on any voting machine at the designated voting place; providing for employment of a custodian of voting machines, the procedure for his appointment, salary and bond; allowing candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; and allowing candidates the right to demand in writing to the body in charge of ballot boxes to break seals for recanvass of votes in voting machine.

Also:

S. 1233. To repeal Act No. 862, H. B. 1189, Regular Session 1969 (Acts 1969, p. 1570), entitled "An Act To provide further for the dissolution of corporations organized to operate a municipal water, sewer, gas or electric system pursuant to Act No. 175 of the Regular Session of 1951 (Acts 1951, p. 416) in any county having a population of not less than 47,000 nor more than 49,000, according to the most recent federal decennial census; and to provide for the vesting of title to any property and assets then owned by such corporation in the municipality which authorized its incorporation."

Also:

S. 1234. To authorize the sheriff of Marshall County to make certain expenditures without approval of the county commission and to prescribe regulations relative to such expenditures.

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Also:

S. 1235. Relating to Marshall County; fixing the compensation of the Judge of the County Court.

Also:

S. 1236. To provide for an increase of compensation to be paid by Marshall County for the Court Reporters of the 27th Judicial Circuit.

Also:

S. 209. To authorize the governing body of any county or the governing body of any municipality within the county to establish within the county or within the municipality ambulance service on a non-profit basis; to authorize the county to unite with any municipality within the county or two or more municipalities within the county, to unite with each other or together with the county, in the establishment of such ambulance service, making such service common for the use of the county or participating municipality or municipalities, and to authorize the providing of such service by contract; to authorize appropriations of public funds for such service by the county or any municipality; to authorize the charging of limited fees for such ambulance service.

Also:

S. 348. To provide that in all contracts for public improvements awarded by the State or by any department, agency, board, commission, authority or political subdivision thereof, including any municipality, county and any board, commission or agency of such municipality or county, the contractor may, from time to time withdraw the whole or any part of the amounts retained from payments due the contractor under the terms and conditions of such contract by depositing security in an amount at least equal to the amount of retainage withdrawn.

Also:

S. 350. To amend Section 11 of Act No. 492 of the General Acts of the Regular Session of the Alabama Legislature of 1947 so as to provide that after completion of 50% of the contract no additional retainage will be withheld.

Also:

S. 733. Relating to employees of the Board of Corrections; providing that the rules and regulations of the State Personnel Department shall not be applicable to the appointment, tenure or compensation of physicians, surgeons, psychiatrists, psychologists, dentists and allied professional supportive personnel.

Also:

S. 1201. To repeal Act No. 1644, H. B. 2391, Regular Session 1971, (Acts 1971, p. 2798), entitled, "An Act To increase the compensation of the judge of county court in counties having a population of not less than 53,000 nor more than 55,000 based on the last federal decennial census."

Also:

S. 465. To amend Section 1 of Act No. 821, H. 1336 of the Regular Session of 1971 relating to county boards of education in counties having a population of not less than 90,000 nor more than 100,000 according

to the most recent or any subsequent federal decennial census, so as to require any such boards of education to have regular scheduled meetings on the first Tuesday after the first Monday of each month, and at such other times as the board deems to be in the best interest of public education.

Also:

S. 533. To authorize each municipality in Alabama to convey, without an election, and with or without consideration, its waterworks system, its sanitary sewer system, or either thereof, or any part of either thereof, to any other municipality in the state, and to make agreements with respect to such matters.

Also:

S. 567. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 115,000 nor more than 150,000, according to the most recent Federal Decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest. And to provide that it shall be the duties of such judicial officers as hereinafter defined to approve said release and to impose such hereinafter described conditions of release as shall be deemed necessary by said judicial officers. In the event said judicial officer shall deem it necessary to impose the condition of a secured appearance bond, said judicial officer shall have the authority to set such bonds and to approve or disapprove any such bonds imposed as a condition of release.

Also:

S. J. R. 130. Creating an Interim Committee on Finance and Taxation.

Also:

S. J. R. 138. Wishing Grace Thomas a speedy recovery.

Also:

S. J. R. 139. Mourning the death of Mrs. Nona S. Hill.

Also:

S. J. R. 142. Honoring James V. "Jake" Jordan upon his retirement.

Also:

S. J. R. 145. Commending former Alabamian John Henry Faulk.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

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RESOLUTION

The following resolution was introduced:

By Mr. Holmes:

H. R. 416. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE That the State Personnel Department, its agents, servants, employees, and all those in active concert and participation be encouraged not to use racial codes on certifications except where it is necessary to meet the requirements of the federal court order.

On motion of Mr. Holmes, the rules were suspended and the resolution, H. R. 416, was adopted.

Yeas 50; Nays 5.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Boles, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, LeFlore, Lewis, McCluskey, McNees, Malone, Manley, Merrill, Plaster, Porter, Reed, Rich, Riddick, Robertson, Shelton, Smith (B), Smith (J), Smith (M), Taylor, Teague, Tucker, Venable, Warren, Whatley and Wyatt.

—50

Nays: Messrs.: Andrews, Cates, Moore (W), Morris and Sasser.

—5

RECESS

On motion of Mr. Manley, the House recessed until 2:00 o'clock p.m.

HOUSE RECONVENED

The hour of 2:00 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1822. To amend further Sections 3, 11, 12, 13 and 18 of Act No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard; to provide for the retroactive effect of the amendatory provisions of this Act.

Also:

H. 1894. Relating to Marengo County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials.

Also:

H. 1896. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all such counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

Also:

H. 1909. Amending Act No. 791, H. 979, 1971 third Special Session of the Legislature (Acts 1971, Vol. II, p. 1525) to increase the compensation for the secretary to the district attorney of the twenty-fourth judicial circuit, and to provide for proportional payment by the counties constituting said circuit.

Also:

H. 1912. Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1921. An Act relating to the municipality of Fort Payne in De-Kalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Also:

H. 1924. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Also:

H. 1889. Proposing a further amendment to Amendment No. 331 of the Constitution of Alabama relating to court costs and charges and to the compensation of certain officers of Cleburne County, eliminating the requirement for a county referendum.

McDOWELL LEE,
Secretary.

NOTICE IN WRITING FILED

Mr. Gafford filed the following Notice In Writing:

On the next legislative day, I shall file the following rule change:

"No House Resolution or House Joint Resolution of congratulation, commendation or sympathy can be adopted except in the event of death or in the event that the person honored has accomplished something that is extraordinary and unusual."

RESOLUTION

The following resolution was introduced:

By Mr. Weeks:

H. R. 417. GIVING THE WIVES OF THE MEMBERS OF THE HOUSE FLOOR PRIVILEGES ON THE 36TH LEGISLATIVE DAY.

WHEREAS the wives of many of the members of the House will be present during the House's deliberations on the 36th legislative day; and

WHEREAS it would be appropriate to give them floor privileges; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ALABAMA LEGISLATURE, That the wives of members of the House are hereby extended the privileges of the floor during the 36th legislative day of the current session.

On motion of Mr. Weeks, the rules were suspended and the resolution, H. R. 417, was adopted.

S. 1136 AGAIN TAKEN UP

And the bill:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

Having been temporarily carried over, was again taken up.

Mr. Gafford offered the following amendment to the bill:

In Section 9, on page 4, strike out the following words and figures:

"the date of its approval by the Governor or on its otherwise becoming a law." and insert in lieu thereof the following:

October 1, 1976.

And the amendment was adopted.

Yeas 54; Nays 1.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Gafford, Glass, Hall, Harris, Harrison, Higginbotham, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter, Reed, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley, White and Wyatt.

—54

Nay: Mr. Hilliard.

—1

And the bill, S. 1136 as thus amended, was read a third time at length and passed.

Yeas 56; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Brindley, Carothers, Carter, Cates, Coburn, Cooper, Edwards, Gafford, Glass, Hall, Harris, Harrison, Higginbotham, Hilliard, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, LeFlore, Leonard, Lewis, Luckett, Lutz, McCluskey, McMillan, McNair, McNees, Merrill, Mitchem, Moore (O), Pegues, Plaster, Porter, Reed, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Trammell, Tucker, Turnham, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—56

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Mr. Callahan offered the motion to reconsider the vote by which the House concurred in and adopted the Senate amendment to the bill, H. 784, and the motion was adopted.

Yeas 37; Nays 0.

Yeas:

Mr. Speaker, Andrews, Baker, Barron, Callahan, Campbell, Carter, Coburn, Cooper, Gafford, Glass, Harris, Hines, Holley, Johnstone, Kelley, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Mitchem, Plaster, Reed, Smith (B), Smith (C), Smith (M), Sparks, Warren, Weeks, Whatley, White, Williams and Wyatt.

—37

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

Was again taken up.

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H. 784 RECONSIDERED

On motion of Mr. Callahan, the House non-concurred in the Senate amendment to the bill, H. 784, and requested a Committee on Conference.

Yeas 40; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Carter, Cates, Coburn, Cooper, Folmar, Glass, Harris, Higginbotham, Hines, Holley, Johnstone, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Morris, Plaster, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, Warren, Whatley and Wyatt.

—40

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

On motion of Mr. Callahan, a Committee on Conference was granted on the disagreement of the two Houses on the Senate amendment to the bill, H. 784.

The Speaker of the House named as the Committee on Conference on the part of the House, Messrs. Johnstone, Kinsey and Cooper.

SPECIAL ORDER RESUMED

And the bill:

S. 1155. Proposing an amendment to the Constitution of Alabama relating to levying additional ad valorem taxes by the City of Vestavia Hills, Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 86; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—86

And the bill:

S. 1157. To provide that no board of adjustment authorized by Section 781, Title 37, Code of Alabama, as amended, and provided for by any municipality which is located within any county, which county now has or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial federal census, shall

grant a variance under the zoning ordinance of such municipality to allow a structure or use in a district restricted against such structure or use except as specifically provided for by the zoning ordinance of such municipality.

Was read a third time a length and passed.

Yeas 75; Nays 0.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Coburn, Cooper, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Martin, Moore (O), Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—75

And the bill:

S. 1252. To adopt minimum standard codes for all counties now or hereafter having more than 600,000 population according to the latest federal census; to provide for the revision of these codes; to allow local modification of these codes; to authorize county governing bodies to enforce these codes; and to authorize the prescription and collection of the fees necessary to effect the enforcement of these codes, providing penalties for the violation of this act.

Was read a third time at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Cates, Clark, Cooper, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Warren, Whatley, White, Williams and Wyatt.

—71

And the bill:

S. 1114. Relating to the City of Montgomery in Montgomery County; to provide that the public street known as Fieldcrest Drive may not be constructed as a grade level crossing where it intersects the Central of Georgia railroad tracks; if Fieldcrest Drive is to be constructed as a four (4)-lane street in either direction from said railroad tracks, provided however, that Fieldcrest Drive may be opened as a grade level crossing if said street remains as a two (2)-lane street from either direction of the said intersection.

Was read a third time at length and passed.

Yeas 62; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Harris, Higginbotham, Hill, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Martin, Mitchem, Moore (W), Morris, Naramore, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—62

And the bill:

H. 1964. Relating to counties having a population of not less than 27,900 nor more than 33,500 inhabitants according to the most recent federal decennial census; providing for the compensation of bailiffs in such counties.

Was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Crawford, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, LeFlore, Lewis, Lutz, McCluskey, McCulley, McNair, McNees, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—74

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Armstrong to suspend the rules in order to temporarily carry over all bills on the Calendar to reach the bill, S. 343, was lost, lacking a four-fifths vote.

Yeas 14; Nays 8.

Yeas:

Messrs.: Armstrong, Boles, Hall, Harrison, Hilliard, Howard, Jackson (R), Kennedy, LeFlore, Leonard, McNair, Morris, Porter and Waggoner.

—14

Nays:

Messrs.: Andrews, Biddle, Falkenburg, Gafford, Jolly, Moore (O), Waggoner, and White.

—8

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1124. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Owens, the bill, H. 1124 as amended and passed by the Senate, was indefinitely postponed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 211. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Sonnier, the House concurred in and adopted the Senate amendment to the bill, H. 211, said Senate amendment being as follows:

In Section 1, page 1, lines 26-27, strike the words "of ten thousand dollars per annum," and insert in lieu thereof the following:

equal in amount to the salary of a circuit court bailiff.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Albright, Barron, Brindley, Callahan, Carter, Cates, Coburn, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Howard, Jackson (F), Josnstone, Jolly, Kelley, Kennedy, LeFlore, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (W), Naramore, Owens, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

—60

And the bill, H. 211 as thus amended, was again read at length and passed.

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Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Howard, Jackson (F), Jolly, Kelley, Kennedy, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Venable, Warren, Whatley, Williams and Wyatt.

—65

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1848. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden to provide for the composition of said board; to provide for a secretary-treasurer of said board; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Ford, the House concurred in and adopted the Senate amendment to the bill, H. 1848, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To create a board of trustees of the policemen and fireman's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Gadsden, Alabama.

Section 2. There is hereby created, in connection with the regularly organized and paid police department and fire department of the City of Gadsden, a board of trustees of the policemen and firemen's retirement

fund. Such board shall be known and called the Board of Trustees of the Policemen's and Firemen's Retirement Fund of the City of Gadsden. The board of trustees shall be constituted and selected as hereinafter provided and directed; and in each city to which this act applies there is also created a policemen's and firemen's retirement fund for the benefit of persons hereinafter named, to be derived and raised in the manner hereinafter provided. The policemen's and firemen's retirement fund of the City of Gadsden and the board of trustees of such fund shall, after this act becomes law, be governed by this act, and such fund shall be managed and controlled by a board of trustees conforming to this act.

Section 3. The board of trustees of the policemen's and firemen's retirement fund shall be composed of seven members consisting of the Commissioner of Public Safety of the City of Gadsden who has supervision over the police and fire departments who shall be chairman of the Board of Trustees; the Mayor of the City of Gadsden; the Commissioner of Public Works of the City of Gadsden; the chief of the police department, the chief of the fire department; one first-class patrolman of the police department to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the police department; and one first-class fireman to be elected for a four year term within thirty (30) days after the enactment of this act by a simple majority vote of the fire department; all of whom shall serve without compensation. In the event of a vacancy in either of the latter two positions, the successor or successors shall be elected in the same manner within thirty (30) days after the occurrence of such vacancy.

All proposed rules and regulations by the board of trustees necessary to carry into execution the purposes for which it was organized and created shall be posted in all police and fire stations in the City of Gadsden at least ten (10) days before said trustees shall consider or take action either in favor or against said rules and regulations.

Section 4. The board of trustees, if it so elects, and with the approval of the governing body of said city, shall have the power and authority to appoint a secretary-treasurer of said board who shall serve at the pleasure of said board and who shall receive as compensation for his services the sum of twenty-five (\$25.00) dollars per month or such other amount of compensation as the board of trustees shall provide by majority vote and shall be approved by the governing body of said city, to be paid on the first day of each month by warrant drawn in like manner as other warrants on such fund. The secretary-treasurer of the board of trustees is hereby made, and it shall be his duty to be the custodian of all monies belonging to the policemen's and firemen's retirement fund, and all monies belonging to such fund, and all money or other property belonging to any similar fund now or hereafter maintained in any city to which this act applies shall be promptly paid to him. The said secretary-treasurer shall also be custodian of all securities and things of value belonging to such fund. The secretary-treasurer shall before taking office, make bond in a sum to be fixed from time to time by resolutions of the governing body of the city, to be approved by the chairman of the board of trustees in a surety company authorized to do business in Alabama for the faithful performance of the duties imposed upon him under this subdivision, and for the faithful accounting of all monies, and things of value which may come into his hands, as such treasurer of such fund, and he shall keep a separate account thereof, which shall at all times show the true condition of such fund. Upon the resignation or removal from office of such secretary-treasurer he shall surrender and deliver up to his successor all bonds, securities, and all unexpended monies or other properties which may have come into his

hands as treasurer of such fund. It shall be the duty of the secretary-treasurer of said board to keep, in a book provided for that purpose, a full and complete record of all proceedings of the board of trustees, and he shall perform such other duties as may be assigned to him by the board of trustees.

Notwithstanding anything to the contrary in this act, the board of trustees, with the approval of the governing body of said city, may elect by majority vote to allow any insurance company or financial institution of its choice to exercise custodial care thereof, and make investments with, all monies in said retirement fund; and provided further that any such delegation of custodial care shall not become effective until written notice of such delegation is posted in all police and fire stations of said city, and after ten (10) days notice thereof an election is held in each of said departments, in which election a simple majority of the contributing members, by secret ballot, vote in favor of such delegation. Custodial care of said retirement fund, if delegated to an insurance company or financial institution, shall obligate the custodian as follows:

1. To accept fiduciary responsibility for said fund.
2. To prepare for the board of trustees, upon demand, a report on the financial condition of said fund.
3. To provide benefits for the members of the policemen's and firemen's retirement fund, as agreed upon by such custodian and the board of trustees of said fund.

Section 5. The board of trustees of the policemen's and firemen's retirement fund is hereby declared to be the trustee of the policemen's and firemen's retirement fund and shall have the exclusive management and control thereof, and all matters legitimately connected therewith. The board of trustees shall have the power to recommend such rules and regulations as may be necessary to enable it effectively and properly to carry into execution the purposes for which it was organized and created, and to enable it properly to manage and conduct the business entrusted to it, provided such rules and regulations shall in no way contravene the provisions of this act; and provided further that such rules and regulations so recommended shall not become effective until written notice of such recommendations is posted in all police and fire stations of said city, and after ten (10) days notice thereof, an election is held in each of said departments, in which election a simple majority of the contributing members in each of said departments, by secret ballot, vote in favor of such recommendations. The board of trustees shall hear and decide all applications for pensions or relief under this act and its decisions shall be final except for an appeal as hereinafter provided. The said board of trustees shall meet whenever the chairman thereof or a majority of the board of trustees shall call a meeting of such board.

This section of the act shall be considered subordinate to Sections 2 and 4 and those sections shall prevail.

1. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city, charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected when obtaining pictures, report copies and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city police department to which this act applies and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city police department to which this act applies shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police department's pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10%) of the monthly salaries of each member of the police and the fire departments, shall be paid by the city clerk to the secretary-treasurer of the board of trustees on the first day of each month; and said 10% of such salaries shall be deducted from the salaries paid each member. The governing body of said city to which this act applies shall cause to be paid into the policemen's and firemen's retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68% of the salary of each member of such police and fire departments who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68% as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Section 6. The policemen's and firemen's retirement fund shall consist of the following:

1. All of the money, securities, and things of value belonging to any similar fund that may now or hereafter be maintained in the City of Gadsden.

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2. All monies or properties that may be given or donated to said fund by any persons, firm, association, or corporation for the uses and purposes for which said fund is created; and said board may take, by gift, grant, devise, or bequest, any money, personal property, real estate, or any interest therein, or any right of property, for the benefit of said fund.

3. All reward money paid to any member of the police and fire departments of said city shall be paid by the recipients of the same into said retirement fund promptly upon receipt of the same.

4. All civil or criminal witness fees received by any member of the police and fire departments for attendance at or before any court or grand jury in Etowah county wherein the city employing them is located shall be paid into said retirement fund promptly upon the receipt of such fees by the recipients of the same.

5. The city clerk of all cities to which this act applies shall cover into said fund all seizure fees collected by the city in cases involving violation of the prohibition laws since the 1st day of February 1946, and all such fees hereafter collected by the city.

6. Upon the recommendation of the Commissioner of Public Safety of the City of Gadsden and with the approval of the governing body of said city charges shall be made as follows and all revenues derived therefrom shall be paid into the policemen's and firemen's retirement fund:

(a) A \$5.00 court cost shall be added on all cases resulting in conviction in the recorder's court of said city to which this act applies.

(b) A \$3.00 fee shall be charged for all fire reports and forms; an additional \$1.50 per picture requested by any insurance firm or individual other than the news media and other fire departments or their representatives shall be charged. Rent and paper for the machine shall be charged to the fund.

(c) A \$3.00 fee shall be charged on all identification pictures, report copies, and fingerprints requested from the police department. This fee shall not be charged or collected from law enforcement agencies when obtaining such pictures, report copies, and fingerprints for use in law enforcement.

(d) All seized or unclaimed property impounded by said city's police department and sold after a period of one year, at public auction.

(e) All motor vehicles impounded by said city's police department shall have a minimum of \$5.00 as impounded fee attached, including a \$1.00 per day storage fee to be collected by the city.

(f) All impounded motor vehicles not claimed or transferred back to the owner within 90 days will be auctioned to the public.

(g) Upon approval of said governing body all city facilities, buildings, property and concessions upon availability shall be open to the use of the fire and police departments' pension committee to have benefits and other fund raisings at actual cost.

(h) Ten percent (10%) of the monthly salaries of each member of such police and fire departments, which shall be paid by the city clerk to the secretary-treasurer of said board of trustees on the first day of each month; and said 10% of such salaries shall be deducted from said salaries paid each member. The governing body of the said city to which this act applies shall cause to be paid into the policemen's and firemen's

retirement fund, out of the treasury of the city, beginning January 1, 1976, an amount equal to 15.68% of the salary of each member of such police and fire department who contributes to said fund, and such payment shall be made as and when such salary becomes payable and deduction therefrom is made as provided in this section. After the effective date of this act, the governing body of said city, upon the recommendation of the Commissioner of Public Safety, in order to maintain the financial stability of said fund, by ordinance, may increase the contributions by employee and employer into said retirement fund.

(i) The city shall pay an amount equal to 15.68% as long as the police and fire departments are not covered by social security.

(j) In the event the City of Gadsden levies a tax on fire and burglary insurance premiums, the proceeds of such tax shall be earmarked for the policemen's and firemen's pension fund.

(k) The City of Gadsden shall be responsible for the financial stability of said fund, and in order to fulfill that responsibility the city governing body, upon recommendation of the Commissioner of Public Safety, is hereby authorized, by ordinance, to take whatever steps it deems necessary to obtain additional revenue to insure the financial stability of said funds.

Existing funds and property belonging to or part of any existing similar fund in said city to which this act applies and hereby brought under this act shall be hereafter governed by the provisions of this act, shall be held and administered, used and governed, and transferred and covered into the policemen's and firemen's retirement fund as provided herein, immediately upon this law becoming effective.

Section 7. The board of trustees of the policemen's and firemen's retirement fund may, at any time, with the approval of the governing body of said city employing such policemen and firemen, after considering the probable demands upon such fund in the near future, determine what portion of such fund may be safely withdrawn for investment for revenue purposes, and having determined what portion thereof shall be so withdrawn for that purpose, said board of trustees shall then determine in what manner such investment shall be made, and all proceedings of said board of trustees relating thereto shall be entered at length upon its records. Such investment shall only be by purchase of the interest bearing bonds of the United States of America, or in any stock, security, investment, or deposit which is guaranteed by the United States Government or any of its instrumentalities; provided, however, the board may by majority vote elect to invest up to forty percent (40%) of the total assets of the pension fund in such classes of bonds, mortgages, common and preferred stock or other investments as are allowed by the laws of Alabama to domestic life insurance companies, or by a majority vote of policemen and firemen up to 100% of said fund may be invested in any sound financial institution to include insurance companies or bank or trust companies. All income from such investments shall be and become a part of said policemen's and firemen's retirement fund. All such securities shall be deposited with the secretary-treasurer of the board of trustees, and shall be subject to the management and control of said board of trustees of the policemen's and firemen's retirement fund.

This section of the act shall be considered subordinate to Section 4 and Section 4 shall prevail.

Section 8. The board of trustees or custodian of funds designated by said board shall make a monthly report to the governing body of said city employing such policemen and firemen concerning the condition of

such policemen's and firemen's retirement fund. The said board of trustees shall keep minutes of every meeting in a well bound book designed for that purpose which said minute book shall be available to any contributing member of said police department or fire department on his request. Each six months said board of trustees shall post in a conspicuous place in each police station and each fire station in said city a statement itemizing all receipts, disbursements, expenditures and pensions paid by said board for the preceding six (6) months period, stating in detail the source of such receipts, and to whom all such expenditures, disbursements and pension payments were made, together with the amount of each. All such records shall be available to any contributing member at any time upon request.

Section 9. All monies ordered to be paid from such policemen's and firemen's retirement fund shall be paid by the secretary-treasurer of such fund only upon warrants signed by the chairman of such board of trustees and countersigned by one associate member of such board of trustees and by the secretary-treasurer; and no warrant shall be drawn on such fund except by order of the board of trustees, which shall be duly and regularly entered in the record of the proceedings of the board of trustees. Any monies wrongfully paid from such fund shall be charged against the members of said board of trustees.

This section of the act shall be subordinate to Section 4 and Section 4 shall prevail.

Section 10. No portion of the said policemen's and firemen's retirement fund shall, before or after its order for distribution by the board of trustees to the person or persons entitled thereto under the provisions of this sub-division, be held, seized, taken, subjected to, detained, or levied upon, by virtue of any attachment, garnishment, execution, injunction, writ, order, decree or any other process whatsoever, issued out of or by any court of this state, for the payment or satisfaction, in whole or in part, of any debt, damage, demand, claim, judgment or decree, against any beneficiary of such fund, but shall be exempt therefrom. Said fund shall be sacredly kept, held and distributed for the purposes named in this subdivision, and for no other purpose whatsoever.

Section 11. If at any time there shall not be sufficient money in the policemen's and firemen's retirement fund to pay each person entitled to the benefit thereof, the full amount per month as herein provided or any time the principal of the fund reaches an amount of \$700,000 or less, then an equal percentage of such monthly payment or payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of the said beneficiaries; provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act. The board of trustees, or insurance custodian as provided for in this act, is authorized to take such action as it deems necessary periodically to determine the actuarial status of the pension fund.

Section 12. 1. In order to preserve the financial integrity of said pension fund, the Board of Trustees, if it deems necessary, shall have the authority to prorate those benefits received by said members who retired on or before October 1, 1975 as follows:

(a) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income

on federal income tax returns in excess of \$10,000 a year may have their benefits reduced by thirty percent.

(b) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$7,500 but less than \$10,000 a year may have their benefits reduced by twenty percent.

(c) Excluding retirement benefits and interest received from personal bank accounts, those members who report personal gross income on federal income tax returns in excess of \$5,000 but less than \$7,500 may have their benefits reduced by ten percent.

Provided that the provisions of this section concerning prorated payments shall not be interpreted to include those members drawing survivors benefits and those members of said fund who are one-hundred percent disabled and have no other personal income except those benefits derived from the provisions of this act.

The Board of Trustees shall have the power to do whatever is necessary and proper to enforce the provisions of Section 12, Sub-section 1.

2. No person retired after October 1, 1975 under the policemen's and firemen's retirement fund can be reemployed full time by the City of Gadsden in any department, State of Alabama, any county or municipality therein, political subdivision, Board of Education (state or local) or any institution supported in whole or part by government funds (local, state or federal), without first having signed an agreement forfeiting his or her pension benefits during the time of reemployment. For purposes of this act, full time employment means twenty (20) hours or more per week. Benefits shall be resumed upon termination of employment. In no instance shall the benefits lost during the time of reemployment be recovered by said person. The provisions of this Section shall not be interpreted to include those members drawing survivor's benefits.

3. Any member of the police and fire department of a city to which this act applies who has been in continuous service thereof for as long as twenty years, upon making written application to the board of trustees therefor shall, without medical examination or disability, be retired from service in such department and upon such retirement the board of trustees shall direct the payment to such retired member, monthly from such fund the amount hereinafter provided for his or her particular position, office, salary, or class of work. However, any member of such police or fire department who has become a new employee as of October 1, 1975, must serve a mandatory thirty (30) years consecutive service before receiving retirement benefits. Also, any person employed on or before June 1, 1975, who will have served twenty-five (25) years effective June 1, 1980, may then retire at 55% of his or her salary not to exceed \$5,000.00 per year. Also, any person employed on or before June 1, 1975, who will have served thirty (30) consecutive years effective June 1, 1985, may then retire at 60% of his or her salary not to exceed \$6,000.00 per year. In no instance however, may any employee be eligible to retire at 55% of his or her salary not to exceed \$5,000.00 per year until or unless on June 1, 1980, he or she shall have then already served twenty-five (25) consecutive years in such police or fire departments, and in no instance, however, may any employee be eligible to retire at 60% of his or her salary not to exceed \$6,000.00 per year until or unless on June 1, 1985, he or she shall have then already served thirty (30) consecutive years. Each rank must be held three years before retirement. Any person having met the requirements for retiring under this Section must undergo a moratorium period of ninety (90) days before receiving any monthly payment of benefits.

4. All members retiring before the twenty-fifth (25) anniversary date must undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstances, this requirement could be waived.

5. All members employed prior to June 1, 1975 who retire before the twenty-fifth (25) anniversary date shall undergo a moratorium period of at least one full year before receiving any monthly payment of benefits unless the board feels that for reasons of mental or physical disability or some similar tragic circumstance, this requirement could be waived.

Section 13. 1. The board of trustees shall have the power and authority and it is hereby made mandatory that it shall retire from service in the police and fire departments of any city to which this act applies any members thereof, who has attained the age of sixty-five (65) years, and the said board of trustees shall direct the payment to such retired member, monthly, from said fund, the amount of money hereinafter provided for his, or her, particular position, office, salary, or class of work.

Section 14. Except as otherwise provided in this subdivision each member who has been or who hereafter is retired shall receive a retirement benefit equal to fifty per centum of the salary received at the date of his retirement.

Provided, further, each member who retires after twenty years consecutive service shall ninety days after retirement (unless retired at age 65 or later or for reasons of disability) be paid a retirement benefit of 50% of the salary he or she was receiving at the time of retirement. Each member who retires after having served twenty-five consecutive years and whose retirement commences on or after June 1, 1980, shall be paid a retirement benefit of 55% of the salary (not to exceed \$5,000.00) he or she was receiving at the time of retirement—effective date June 1, 1980. Each member who retires after having served thirty consecutive years and whose retirement commences on or after June 1, 1985, shall be paid a retirement benefit of 60% of the salary (not to exceed \$6,000.00) he or she was receiving at the time of retirement effective June 1, 1985. This section supercedes any subdivision of the law which may be in conflict herewith. In no instance, however, shall any retired member or survivor be entitled to receive an adjustment monetarily to his, or to her retirement benefit, which he or she is now receiving.

Provided, further, that retired personnel shall, if six of the seven trustees approve, receive, ninety (90) days after the approval, up to a maximum of 20% of any increase in salary accorded active members.

Section 15. If any member of the police or fire department of a city to which this act applies is, on proper application, found by the board of trustees to be physically or mentally permanently disabled so as to render him or her unable to fulfill the duties of his or her particular position, or job, the board of trustees shall order and direct, the payment of the proper amount of money as prescribed in this Act, after said board of trustees has directed, or approved the retirement of a physically or mentally disabled member.

Section 16. 1. If a person applies for disability, he or she must undergo an examination by two doctors named by the board of trustees and one of his or her choice. Application for disability retirement must suggest name of one member of panel of doctors to examine the applicant to determine disability and the trustees shall select one and if any dispute, may select a third. After any member of such police or fire de-

partment shall have retired upon pension by reason of disability, the said board of trustees shall have the right and authority, at any time, to cause such retired member to be brought before the city physician and two (2) other physicians or surgeons, the retired member having the choice of bringing or selecting either his or her own personal physician, total number of physicians not to exceed the above mentioned number of three. The retired member shall be examined by the above named physicians to determine whether such disability yet continues, and the findings of the three physicians shall determine whether the retired disabled member is capable of returning to active job status. If the findings of the physicians are such that they affirm that the retired disabled member is capable to carry on active job status, then this retired disabled member shall be immediately stricken from the pension roll by the board of trustees, and be immediately notified to return to work in, and to, the respective department from whence he, or she, was retired. If after proper notification, such retired member fails to return to work, after a period of thirty days, or fails to show just cause, either through the courts, or other means, then the person shall forfeit his, or her, right to re-instatement with said city police or fire departments whichever.

2. The board of trustees, when questioned whether a person is legally drawing monies from said pension fund, must, within thirty days appoint a five (5) member investigating committee from the ranks of the police and fire departments, said committee shall return such investigative findings in writing to a meeting of the board of trustees who shall notify the original petitioner of the meeting and request his or her presence.

Section 17. If any active member of such police or fire department, or any member of such department on official leave of absence from such department and in the armed forces of the United States, shall die from any cause whatever, leaving a widow or widower, said board shall direct the payment from said fund, to said widow or widower, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, said monthly payments to continue to such widow or widower during his or her natural life and while unmarried. Should such deceased member leave no surviving widow or widower, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the amount specified in this act to be paid to a retired fireman or policeman of the same rank as such deceased member at the time of his or her death, to the person having control and custody of such child or children or to such other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 18. If any retired member of such police or fire department shall die from any cause, leaving a widow or widower, said board shall direct the continuation, from the date of such death of fifty percent of the monthly retirement payments of such deceased retired member to be paid to such widow or widower of such deceased retired member during his or her natural life while unmarried. Should such deceased retired member leave no widow or widower surviving him or her, but leave surviving him or her a child or children under eighteen years of age, the board of trustees shall direct the payment monthly from such fund, until such child or children shall have attained the age of eighteen years, of a sum equal to fifty percent of the monthly retirement payments of such deceased retired member to the person having control and custody

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of such child or children or to some other person as the board of trustees shall direct, said sum to be expended by such person for the benefit of such child or children as may be prescribed by the board of trustees.

Section 19. When the widow or widower, or children of an active or retired member of the police or fire departments shall be entitled to benefits under this subdivision, such widow or widower, or children, shall make or cause to be made an application to the board of trustees through the secretary-treasurer of such board which shall show, in the case of the widow or widower, proof of the marriage of the deceased to the claimant, by marriage certificate or other competent evidence, and the ages of such children shall be shown by birth certificate or other competent evidence. All such applications and proofs shall be kept and retained in the custody of the said board of trustees.

Section 20. If any employee terminates his or her employment before becoming eligible for retirement benefits, such employee shall receive a lump sum payment from the board of trustees, within 90 days after filing a written application with said board, said lump sum payment to be based on the following scale:

(A) From 0 to and including the 5th year said employee will receive 100% of all amounts he or she has contributed to said fund.

(B) From 6 to and including the 10th year said employee will receive 100% of all amounts he or she has contributed plus an amount equal to 2% per year of employment contributed by the City of Gadsden.

(C) From 11 to and including 20th year said employee will receive 100% of all amount he or she has contributed plus amount equal to 3% per year of employment contributed by the City of Gadsden.

The above provisions shall apply to only those employees employed before June 1, 1975.

Section 21. No member of said police department or fire department, who is not now contributing to said retirement fund, shall be entitled to participate in said retirement fund, or required to make contributions thereto, unless at the time he qualifies therefor he may be not less than twenty-one (21) years of age and not more than thirty-five (35) years of age, establish by an examination of him by a duly licensed and practicing physician that he is physically and mentally sound, and establish by examination of duly licensed and qualified specialists that his vision, hearing and heart are in good physical condition.

Section 22. The term "member of such police department" shall include chief of police, assistant chiefs of police, chief of detectives, captain of police, lieutenants of police, sergeants of police, identifications officers, superintendent of identification, lieutenant of detectives, patrolmen and any full time, regularly employed and compensated, bonded and sworn peace officer under the direct supervision of the chief of police of the city. The term "member of such fire department" shall include the following in said department: chief, assistant chiefs, captains, lieutenants, mechanics, drivers, firemen, fire marshall or fire inspector, drill master or instructor, division or battalion chiefs, superintendent of fire alarm systems, and any full time, regularly employed and compensated, officer or employee engaged in fire fighting under the direct supervision of the chief of said fire department. No other officer, employee or person shall be eligible to participate in said retirement fund, notwithstanding the provisions of any civil service law, state statute, city ordinance or rules and regulations of said board.

Section 23. There shall be kept by the secretary-treasurer of the board of trustees a book to be known as the list of retired policemen or firemen. Such book shall also give a full and complete history and record of the action of the said board of trustees in retiring any and all persons under this subdivision, showing the names, date of entering the service of such police or fire department, date of retirement and the reason for such retirement, if any.

Section 24. It shall be the duty of the city attorney or such assistant city attorney as may be designated by the board of commissioners or other governing body of the city to give advice to the said board of trustees in all matters pertaining to the duties of the said board of trustees and the management of such fund, whenever requested to do so, and he shall represent and defend the said board of trustees as its attorney in all suits and actions at law or in equity that may be brought against it, and in all suits and actions in its behalf that may be required or determined upon by said board of trustees. Such city attorney shall serve as such attorney of the board of trustees without compensation additional to the salary paid him as such city attorney.

Section 25. The board of trustees shall be authorized to pay out of such fund all reasonable and necessary expenses including cost of bond herein provided for that may be incurred by it in and about the management and administration of such fund; provided that in no event shall the members of said board of trustees receive any salary or compensation for their services out of said fund.

Section 26. Within ten (10) days after any final decision of the board of trustees, any contributing member including the governing body of such city, feeling aggrieved at the decision of the board of trustees may appeal from any such decision to the circuit court of the county in which such city is located and such appeal shall be heard by a judge sitting without a jury. Upon the filing of any such appeal, notice thereof shall be served upon any member of the board of trustees by the appellant. Such appeal shall be heard by the court at the earliest possible date, and it shall not be necessary on any such appeal to enter exceptions to the rulings of the board of trustees and no bond shall be required for such an appeal and such an appeal shall be effected by filing a notice and request therefor by the appellant with the clerk of said court. An appeal may be taken from any decision of such court to the court of appeals or the supreme court as now provided by law.

Section 27. The provisions of this act shall supercede all existing provisions of law, general or local relating to the policemen's and firemen's retirement fund of any city to which this act applies, and any such fund existing at the time of the passage of this act is hereby transferred to and made a part of the retirement fund created in this act. All other laws, or parts of laws, in conflict herewith are hereby expressly repealed.

Section 28. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 29. All laws or parts of laws, general or local, which conflict with this act are hereby repealed.

Section 30. This act shall take effect upon its passage and approval by the Governor or its otherwise becoming a law.

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Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (F), Jolly, Kelley, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1848. To create a board of trustees of the policemen and fireman's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

As thus amended, was again read at length and passed.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Edwards, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Howard, Jackson (F), Jolly, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has received the accompanying Message from His Excellency, the Governor, proposing an amendment to the Bill:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor concerning Senate Bill Number 1033, and containing suggested Executive Amendments.

Respectfully submitted,

Henry B. Steagall, II,
Executive Secretary.

Done this 2 day of October, 1975.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, Senate Bill Number 1033, without my signature and approval, and the following suggested Executive Amendments.

It is suggested that you amend the title thereof by deleting the words, "the Inferior Court".

It is further suggested that Section 1 be amended by deleting the words, "Inferior Court".

The adoption of the above and foregoing Executive Amendments will remove my objections to this bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the Senate has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, S. B. 1033, by a vote of a majority of the whole number elected to the Senate, said vote being:

Yeas 25, Nays 0.

And said Bill, S. B. 1033, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, S. B. 1033, together with the Executive Amendment, is herewith sent to the House for its consideration.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Crowe, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, S. 1033, said Governor's amendment being set out in the above and foregoing Message from the Senate.

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Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Carter, Cates, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Plaster, Reed, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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And the bill:

S. 1033. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Intermediate Court, and the District Attorney's Office.

As amended by the amendment proposed by His Excellency, the Governor, was again read at length and passed.

Yeas 62; Nays 1.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Biddle, Boles, Brindley, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Merrill, Mitchem, Moore (O), Moore (W), Owens, Plaster, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

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Nay: Mr. Naramore.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1853. To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; and to provide for the abandonment of the existing form of government.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Baker, the House concurred in and adopted the Senate amendment to the bill, H. 1853, said Senate amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any city in the State of Alabama having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census shall become organized under the commission form of government according to the provisions of this Act.

Section 2. The provisions of this Act shall become operative in any city coming within its purview only if approved by a majority of the electors of the city voting in a referendum to be held in such city on the first Monday after the 30th day following the passage of this Act, or on the first Monday after the 30th day following the date on which such city comes within the purview of this Act. The Judge of Probate of the county wherein such city is located shall order and provide for the holding of the referendum on such date, the expense of such referendum to be paid by such city. The form of the ballots to be used at the election shall be substantially as follows: "Please vote for one of the following alternatives: Shall the provisions of Act No. _____, of the 1975 Regular Session of the Legislature, approved the _____ day of _____, 19____, which provides for and prescribes the form of government for cities having populations of not less than 23,000 nor more than 27,000, become effective immediately following the proclamation of the results of this referendum? () OR, Shall the provisions of Act No. _____, of the 1975 Regular Session of the Legislature, approved the _____ day of _____, 19____, which provides for and prescribes the form of government for cities having populations of not less than 23,000 nor more than 27,000 become effective immediately upon the expiration of the terms of the present elected city officials? ()". If a majority of the votes cast in the election favor the first alternative, the provisions of this Act shall become operative immediately. If a majority of the votes cast favor the second alternative the provisions of this Act shall become operative immediately upon the expiration of the terms of the present elected city commissioners. The city clerk of each such city shall notify the Secretary of State of the results of such election.

Section 3. Immediately after the provisions of this Act become operative as provided for in Section 2 of this Act, the Judge of Probate of the County wherein such city is located shall forthwith call an election to be held under and to be governed by the general election laws of Alabama pertaining to municipal elections, the expense thereof to be paid by such city, for the election of three commissioners by the qualified electors of the city. If a majority of the votes are cast in favor of the first alternative provided for in Section 2 hereof, then such election shall be held on the first Monday following the 30th day after the provisions of this Act become operative as to such city. If a majority of the votes are cast in favor of the second alternative provided for in Section 2 hereof, then such election shall be held on the third Monday in September, 1977. The three commissioners shall be elected to offices designated by number: Place No. 1, Place No. 2, and Place No. 3, respectively, and these designations shall be shown on the ballot prepared for such

election. Place No. 1 shall be for a term of one year; Place No. 2 for a term of two years; Place No. 3 for a term of three years: Any person desiring to become a candidate shall file a statement with the Probate Judge designating the office for which he desires election and which statement shall otherwise be in the form prescribed in Section 63 of Title 37 of Code of Alabama 1940. At such election, each voter shall vote for only one candidate for each office and the candidate receiving the highest number of votes for such office shall be elected, provided he receives a majority of all votes cast for such office. In case no one of such candidates shall receive a majority of such votes for the office for which he is a candidate, another election shall be held on the same day of the second week thereafter following for said office at which the two candidates receiving the highest number of votes at the initial election for said office shall be voted for. The candidate receiving the highest number of votes at such final election shall be declared elected. The terms of office of such persons so elected shall commence immediately upon their election and qualification, and such persons shall hold office until the first Monday in October of the year in which their term expires and until their successors are elected and qualified. An election shall be held on the third Tuesday in August of each succeeding year thereafter for the member of the commission whose term shall expire in that year, the commissioner then elected shall hold office for a term of three years from the first Monday in October of said year, and until his successor shall be elected and qualified for office all as provided in Act No. 664, (S. 133) Regular Session 1961, approved September 6, 1961.

Section 4. As soon as the three commissioners shall have qualified for office, then such city shall at that time and thereby be and become organized under the commission form of government as provided under Title 37, Sections 42-88, Code of Alabama 1940, as amended or as may hereafter be amended, and the form of government existing at that time shall then be abandoned.

Section 5. All other general laws of this state pertaining to the commission form of government as provided herein and those regulating and prescribing the conduct, duties, and powers of the board of commissioners of any city under such commission form of government shall apply to any city commission hereunder.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws and portions thereof in conflict with the provisions hereof are hereby repealed. Act No. 52 (H. 302), Regular Session 1971, approved June 30, 1971, and Act No. 1173, (H. 1884), Regular Session 1971, approved September 7, 1971, are hereby specifically repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 70; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Jackson (F), Johnstone, Kelley, Kinsey, Lee, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees,

Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—70

And the bill:

H. 1853. To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws.

As thus amended, was again read at length and passed.

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Warren, Whatley, White, Williams and Wyatt.

—69

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1390. Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. McCluskey, the House concurred in and adopted the Senate amendment to the bill, H. 1390, said Senate amendment being as follows:

Amend House Bill No. 1390 Line 21, by inserting after the word amount. Provided however that said allowance shall not be paid unless funds are paid to clerical personnell.

Yeas 75; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett,

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Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—75

And the bill, H. 1390 as thus amended, was again read at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

—76

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1456. Relating to the coroner's office in all counties having populations of not less than 15,400 nor more than 15,625 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Rich, the House concurred in and adopted the Senate amendment to the bill, H. 1456, said Senate amendment being as follows:

Amend H. B. 1456 as follows:

On page 1, line 23 strike the words "twenty-five" and insert in lieu thereof the word "ten"

Further amend H. B. 1456 on page 1, line 25 by striking the words "one hundred" and inserting in lieu thereof the word "forty"

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem,

Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill, H. 1456 as thus amended, was again read at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1161. To fix the compensation or salary and allowance of the Register of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 1161, said Senate amendment being as follows:

Amend H. B. 1161 by striking the words "and all other necessary expenses in connection with his office and the operation thereof." on lines 28 and 29 of Section 5 and substitute in lieu thereof the following words, viz: and all other necessary expenses directly connected with the performance of the official duties of his office.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Boles, Brindley, Campbell, Cates, Clark, Coburn, Cross, Crowe, Edwards, Folmar, Gafford, Glass, Greer, Harris, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton,

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Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—71

And the bill, H. 1161 as thus amended, was again read at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Barron, Boles, Brindley, Campbell, Cates, Clark, Coburn, Cross, Crowe, Edwards, Folmar, Gafford, Glass, Greer, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 781. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 781, said Senate amendment being as follows:

In Section 1, page 2, line 34, strike the word and figure "go 60" and insert in lieu thereof, "age 62".

In Section 1, page 3, line 5, after the words "but not exceeding fifty percent" strike the remaining words and period in the sentence, i.e., "of the amount of the monthly salary paid him for the high three out of the five years immediately preceding retirement.", and insert in lieu thereof the following: "of the average compensation he received as a salary during the three (3) highest paid years out of the five years immediately preceding retirement."

In Section 1, page 3, line 16, strike the word and figure "sixty (60)" and insert in lieu thereof "sixty-two (62)".

Yeas 72; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Campbell, Cates, Coburn, Crawford, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Class, Goodwin, Greer, Harris, Higginbotham, Hill, Hines,

Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—72

And the bill, H. 781 as thus amended, was again read at length and passed.

Yeas 68; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Brindley, Cates, Clark, Coburn, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hines, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—68

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 782. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Callahan, the House concurred in and adopted the Senate amendment to the bill, H. 782, said Senate amendment being as follows:

Amend H. B. 782 as follows:

On page 1, line 22 by striking the figures "90%" and inserting in lieu thereof the figures "75%"

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Cates, Clark, Coburn, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Rich, Roberts, Sandusky, Sasser,

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Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, White, Williams and Wyatt.

—71

And the bill, H. 782 at thus amended, was again read at length and passed.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Cates, Clark, Coburn, Cross, Crowe, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—71

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1545. To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Carothers, the House concurred in and adopted the Senate amendment to the bill, H. 1545, said Senate amendment being as follows:

In Section 1, page 2, line 23, strike out the semicolon and insert in lieu thereof a comma, and add, immediately after the comma, the following words and figures:

and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of said Section 19, T3N, R26N, which is a part of the property commonly known as the "Q. B. Buckhalt Property";

Also in said Section 1, on page 3, line 22, strike out the semicolon and insert in lieu thereof a comma then add the following words and figures:

less the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 32, T4N, R26E;

Yeas 69; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Harris,

Higginbotham, Hines, Holley, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—69

And the bill, H. 1545 as thus amended, was again read at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1740. To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 65,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, construct, enlarge and operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other debts of the Authority shall not constitute

a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds, including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Taylor, the House concurred in and adopted the Senate amendment to the bill, H. 1740, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, construct, enlarge and operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other debts of the Authority shall not constitute a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds, including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any

county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. The history of cities and the courses of legislatures throughout America, including the Alabama Legislature, confirm that the public welfare requires that cities of not less than 50,000 nor more than 60,000 population, and parking authorities thereof, be authorized to provide off-street parking facilities.

The Law Review of National Institute of Municipal Law Officers (1968 Ed.) reports that prior to World War II there were almost no municipal off-street parking facilities, and that a survey made in 1966, covering 1,517 cities, showed that "fully 48 percent of municipal parking spaces are located in off-street lots and garages." State legislatures throughout the Union have provided for cities to furnish off-street parking facilities.

By Act No. 90 of the 2nd Extra Session of 1965 (Ala. Acts, 2nd and 3rd Special Sessions, 1965, p. 119) this legislature declared that because of the serious traffic congestion on streets of cities having a population of between 70,000 and 120,000 and the inadequacy of off-street parking facilities therein, public welfare required the legislature to authorize such cities to provide off-street parking facilities, which Act No. 90 did.

It is hereby declared that the free circulation of traffic on the streets of cities having a population of not less than 50,000 nor more than 60,000 is necessary to the health, safety and general welfare of the public; that the greatly increased use of motor vehicles has caused serious traffic congestion on the streets of such cities; that the parking of motor vehicles has contributed to such congestion; that such congestion prevents the free flow of traffic through such cities, impedes effective firefighting and the disposition of police forces, and threatens irreparable loss in the values of urban property, which can no longer be readily reached by vehicular traffic; that parking facilities in such cities are grossly inadequate; that private enterprise has not been able to solve the problem, because private parking lots are frequently temporary in nature, located without regard for actual parking requirements, with vacant land being used for parking purposes in more or less haphazard fashion, to earn something from the land pending some construction thereon; that as a consequence of the extreme shortage of parking space in the central business districts of the city those operating parking facilities impose upon the public by charging grossly excessive and oppressive fees for parking; that the inadequacy of parking space is harmful to the public convenience, health, safety and welfare; that the inadequate off-street parking spaces now existing must be forthwith supplemented by off-street parking facilities provided by public undertaking; and that the enactment of the provisions of this Act is hereby declared to be a public necessity which the public welfare and convenience require.

Section 2. Application of Act. This Act shall apply to each city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census, and to no other city.

Section 3. Definitions. Unless the context plainly indicates otherwise, the following words and terms shall have the meanings hereby ascribed to them: "the city" means a city subject to this Act; "state" means the State of Alabama; "Authority" means a public corporation organized under this Act; "Board" means the Board of Directors of the Authority; "Director" means a member of the Board; "Bond" means any bond authorized to be issued under this Act; "Coupon" means any interest coupon evidencing an installment of interest payable with respect to a bond; "governing body" means the body in which the general legislative powers of the city are vested; "indenture" means a mortgage, an indenture of mortgage, deed of trust, trust agreement, or trust indenture executed by the Authority as security for its bonds; "parking facility" means any building, structure, land, right-of-way, equipment or instrumentality used or useful in connection with the construction, enlargement, development, maintenance or operation of an area or building for off-street parking of motor vehicles, or in connection with the exercise of any power of the Authority.

Section 4. Authority and Procedure to Incorporate. Pursuant to the provisions of this Act, a municipal parking authority may be organized in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census. Such parking authority shall be organized as a public corporation with the powers hereinafter set forth. To organize such corporation, not less than three natural persons shall file with the governing body of the city an application in writing for permission to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If the governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then the said applicants shall become a public corporation in the manner hereinafter provided, using for that purpose the form of certificate so approved.

Section 5. Contents of Certificate of Incorporation. The certificate of incorporation of the Authority shall state: (a) the names of the persons forming the Authority, together with residence of each, and a statement that each of them is a duly qualified elector of the city and is the owner of property in the city; (b) the name of the Authority (which shall include the words "Parking Authority"); (c) the period for the duration of the Authority (if the duration is to be perpetual, that fact shall be so stated); (d) the name of the city authorizing the creation of the Authority, together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the Authority; (e) the proposed location of the principal office of the Authority, which shall be within the boundaries of the city; and (f) any other matters relating to the Authority that the incorporators choose to insert and that are not inconsistent with this Act or other laws of the state.

Section 6. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of the Authority shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the State to take acknowledgments to deeds and shall have attached thereto a certified copy of the resolution provided for in Section 4 hereof and a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of the Authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office

of the Judge of Probate of the county in which the principal office of the Authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the Authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers herein granted.

Section 7. Change of Name and Amendment of Certificate of Incorporation. From time to time the name of the Authority may be changed and the certificate may be amended in the manner provided for in this Section 7 and in no other manner.

The name of the Authority may be changed, or the certificate may be amended, in accordance with any resolution of the Board of Directors, providing for any such change of name or amendment of the certificate, filed in the office of the Probate Judge of the County, in accordance with the provisions of this Section 7. No such resolution of the Board of Directors shall be filed in the office of the Probate Judge unless there is attached thereto a duly certified copy of a resolution of the governing body, entered upon the minutes of such governing body, approving such resolution of the Board of Directors; and if such resolution provides for a change in the name of the Authority, the resolution shall not be filed in the office of the Probate Judge unless there is attached thereto a certificate by the Secretary of State of the State that the name to be adopted by the change is not identical with that of any other corporation in the State or so nearly similar thereto as to lead to confusion and uncertainty. The amendment of the certificate, or the change of name, as the case may be, shall become effective when there is filed in the office of the Probate Judge the resolution of the Board of Directors, accompanied by the resolution of the governing body and the certificate of the Secretary of State, above provided for, if a change of name is involved.

Section 8. Board of Directors of the Authority. Authority shall be governed by a Board of Directors of three members, elected by the governing board of the city. Each member of the Board, or of any county, city or town therein shall, while holding such office, be eligible to serve as a director. The initial directorships shall be numbered 1, 2 and 3. The first term for directorship 1 shall be for two years. The first term for directorship 2 shall be for three years. The first term for directorship 3 shall be for four years. Irrespective of when the first elections for the three directorships occur, the first terms provided for above, shall commence on, or run from, the first day of the first calendar month next succeeding the month in which this Act becomes applicable to the city. The terms for all directorships subsequent to the first term, provided therefor, shall be for four years, with the terms commencing upon the expiration of the first terms which are provided for above respectively for the three directorships.

If a director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner provided for above. Directors shall be eligible for re-election.

A majority of the members of the Board of Directors shall constitute a quorum for the transaction of business but any meeting of such Board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the Board of Directors shall impair the right of a quorum to exercise

all the powers and duties of the Authority. The Board of Directors shall hold regular meetings on the second Tuesday in each month and at such other times as may be provided in the by-laws of the Authority; and such Board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the Authority or any two directors, a special meeting of the Board must be held. Any matter on which the Board of Directors is authorized to act may be acted upon at any regular, special or called meeting. At the request of any director, the vote on any question before the Board shall be taken by yeas and nays and entered upon the record. All proceedings of the Board shall be reduced to writing by the secretary of the Authority, recorded in a well-bound book and open to each director and to the public at all times. Copies of such proceedings, when certified by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

No director shall receive any compensation from the Authority; but each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties.

Any director of the Authority may be removed from office by the governing body in the same manner, and on the same grounds as provided for in Section 451, Title 37, Code of Alabama of 1940, for removal of officers appointed by a city council.

Section 9. Officers of the Authority. The officers of the Authority shall consist of a chairman of the Board, a vice-chairman of the Board, a secretary of the Authority, a treasurer of the Authority and such other officers as the Board deems necessary to accomplish the purposes for which the Authority is organized. The chairman and vice-chairman of the Board shall be elected by the Board from its membership, but the secretary, treasurer and other officers need not be members of the Board. The secretary of the Authority shall also be secretary of the Board. The offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary shall be elected by the Board for a term of one year, and the treasurer and the other officers of the Authority shall be elected by the Board for such term as it deems advisable. Subject to the provisions of its certificate of incorporation, the Authority shall be empowered to employ all personnel as it deems necessary and to fix the terms and conditions of their employment. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board. The duties of any other officer of the Authority shall be such as are from time to time prescribed by the Board.

Section 10. Powers of the Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form; (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation; (2) to sue and be sued in its own name in civil suits and action; (3) to adopt and make use of a corporate seal and to alter the same at pleasure; (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business; (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, eminent domain, or otherwise, property of every description, whether real, personal or mixed, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it, provided, however, that no such Authority shall acquire or lease real property located outside the boundaries of the city; (6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this Act or the

exercise of any power granted hereunder; (7) to plan, establish, develop, acquire, construct, enlarge, improve, maintain, equip, operate, regulate and protect parking facilities and retail and/or service establishments that may be developed in connection with said parking facilities; (8) to lease or cause to be leased through authorized agencies such facilities or any one or more of them to such tenant or tenants for such period and such compensation or rental and on such conditions as the Authority may prescribe, subject to the limitations stated in Section 11 of this Act; (9) to issue interest bearing revenue bonds payable from the limited sources hereinafter referred to; (10) to pledge for payment of such bonds any revenues and funds from which such bonds are made payable; (11) to make and enter into contracts, leases and agreements incidental to or necessary for the accomplishment of any purpose or purposes for which the Authority was organized; (12) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, realtors, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by general rule and other conditions of employment, and, at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will; (13) to fix, establish, collect and alter parking fees, tools, rents and other charges for the use of any parking facility or other property developed, owned or controlled by the Authority in conjunction with said parking facilities; (14) to make and enforce rules and regulations governing the use of any parking facility owned or controlled by the Authority; (15) to secure such insurance, including use and occupancy insurance, as the Board may deem advisable; (16) to invest any funds of the Authority that the Board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in bonds of this State or any county, city or town therein; (17) to cooperate with the State, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the Board may deem advisable to accomplish the purposes for which the Authority is established; (18) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or be useful; (19) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any parking facility from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and (20) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority.

Section 11. Authority's Operating Parking Facilities, or Contracting with a Person to Operate Said Facilities, or Leasing the Facilities. As used in this Section 11, the word "person" means a natural person, a corporation, a partnership or unincorporated association.

It is hereby declared to be the public policy of this State, with respect to each parking facility, that upon an Authority's acquiring a parking facility the Authority shall carefully consider and decide, whether it is in the public interest that the Authority itself operate such facility, enter into a contract with some person to operate such facility for the Authority, or lease such facility. Among the factors the Authority shall consider in making such decision are the following: (a) the relative efficiency of the alternate operations; (b) the relative economy of the

three alternate operations; and (c) the overall advantage and benefit to the Authority and the public of the alternate operations.

In order to make the foregoing determination the Authority shall ascertain the following: the amount necessary in each year to pay the principal of, and interest on, the bonds proposed to be issued to finance the parking facility; the amount necessary to be paid each year to any reserve fund which the Board deems is advisable to establish in connection with the retirement of said bonds and the maintenance of said parking facility or facilities; and, unless the terms under which the project is to be leased provide that the lessee shall maintain the project and carry all proper insurance (including liability insurance) with respect thereto, the estimated cost of maintaining the parking facility in good repair and keeping it properly insured.

The Board shall not enter into any lease of the parking facility unless the lease provides for the lessee to pay to the Authority an amount sufficient to meet the amortization requirements during the term of the lease and to pay the cost of keeping the parking facility in good repair and keeping it properly insured, unless the lease obligates the lessee, at lessee's expense, to keep the facility in good repair and properly insured.

The lease agreement may, at the discretion of the Board, contain provisions describing minimum operating hours, maximum charges to be collected by the lessee, and other terms the lessee will be required to observe in operating the parking facility.

Section 12. Federal and State Aid. The Authority is hereby authorized to accept, receive, receipt for, disburse and expend Federal and State moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of this Act. All Federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this State, and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by law.

Section 13. Cooperation. For the purpose of aiding and cooperating with the Authority in the planning development, undertaking, construction, extension, improvement or operation of parking facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

(a) Lend or donate money to the Authority;

(b) Donate, transfer, assign, sell or convey to the Authority any right, title, or interest which it may have in any lease, contract, agreement, license or property;

(c) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with the Authority in the planning, undertaking, construction or operation of parking facilities.

Section 14. Bonds of the Authority. The Authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its interest bearing revenue bonds for any of its corporate purposes. The principal of and the interest on all such bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the Authority from the operation of any or all of its parking

facilities and other property, or by mortgage of any property of the Authority. None of the bonds issued or contracts entered into by the Authority shall ever constitute or create an obligation or debt of the State, or of any county, city or town within the State, or a charge against the credit or taxing powers of the State, or of any county, city or town within the State unless specifically authorized and approved by any said county, city or town within the State. Bonds of the Authority may be issued at any time and from time to time, may be in such form and denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the State, and may bear interest at such rate or rates payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this Act and as may be provided in the proceedings of the Board wherein the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall be made subject to the redemption at the option of the Authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the Board wherein it is authorized to be issued. Bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the Board. The Authority may pay all reasonable expenses, premiums, fees and commissions as the Board may deem necessary or advantageous in connection with the authorization, sale and issuance of its bonds. All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. Neither a public hearing nor consent of the State Department of Finance shall be prerequisite to the issuance of bonds by any Authority. Notwithstanding the fact that they are payable solely from a specified source, all bonds issued under the provisions of this Act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the State if they otherwise possess all the characteristics of negotiable instruments under the laws of the State.

Section 15. Execution of Bonds. All bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority and the seal of the Authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the bonds.

Section 16. Security for Bonds. In the discretion of the Authority any bonds may be issued under and secured by an indenture between the Authority and a trustee. Said trustee may be a private person or corporation, including but not limited to any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds the Authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign,

as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture the Authority may mortgage any of its properties, including any properties thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority and any property of the Authority so mortgaged shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county in which is located the principal office of the Authority. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the Board, the principal amount of bonds issued, a brief description of the revenues so pledged and also a brief description of any property mortgaged or any property the revenue from which is pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its parking facilities, the Authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenues due to or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building or structure owned by the Authority, the creation and maintenance of special funds from any revenue of the Authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as the Board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by the Authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of the Authority that may properly be included in any indenture securing the bonds, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the Board and officers of the Authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the Authority covered by such indenture and the collection, segregation and application of revenues therefrom. The indenture may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 17. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any bonds (other than refunding bonds) may be used only to pay the cost of acquiring, constructing, improving, enlarging and equipping the parking facilities or property with respect to which they were issued, as may be specified in the proceedings in which the bonds are authorized to be issued. Such cost shall be deemed to include the following: the cost of any land forming a part of such facilities; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees and the cost of preparing contract documents and advertising for bids; the purchase price of and the cost of installing equipment for the facilities; the cost of landscaping the lands forming a part of such facilities and of constructing and installing roads, sidewalks, curbs, gutters and utilities

in connection with the facilities; legal, fiscal and recording fees and expenses incurred in connection with such facilities; and interest on said bonds for a reasonable period prior to and during the time required for such construction and equipment and for not exceeding eighteen months after completion of such construction and equipment. If any of the proceeds derived from the sale of said bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of the bonds of the same issue.

Section 18. Refunding Bonds. The Authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the Authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment of exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to bonds of the Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by the Authority. The Authority may at any time and from time to time issue bonds for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to the portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 19. Exemption from Taxation. The bonds issued by the Authority and the income therefrom shall be exempt from all taxation in the State. All property and income of the Authority shall be exempt from all State, county, municipal and other local taxation, including license, privilege or excise taxes, provided, however, this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of or on any parking facility owned by any Authority from the payment of any taxes levied by the State, the county, or any municipality in the State.

Section 20. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this State is authorized in its discretion to invest in bonds of the Authority any idle or surplus money held in its treasury.

Section 21. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such bonds shall be legal investments for savings banks and insurance companies organized under the laws of the State.

Section 22. Notice of Bond Resolution. Upon the adoption by the Board of any resolution providing for the issuance of bonds, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this State not less than five days in each calendar week and distributed in the county in which is located the principal office of the Authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the Authority: “

_____ a public corporation of the State of Alabama, on the _____ day of _____, authorized the issuance of \$ _____ principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice.” Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds or the validity of the pledge and any instruments made to secure such bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attaching the validity of the said proceedings, the said bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 23. Contracting and Purchasing Restrictions. Laws, regulations and ordinances relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the authorizing subdivision shall be applicable to any authority granted permission to incorporate by said authorizing subdivision. Nothing herein shall exempt such Authorities from laws relating to surety bond requirements for such contracts.

Section 24. (a) At least once every twelve months subsequent to the date whereon an Authority is created hereunder, the City shall appoint an expert accountant who shall make an examination and audit of the records, books and accounts of the Authority and shall make a report in writing to the City and the Authority as to his examination and audit. The accountant's compensation shall be payable out of the funds of the Authority.

(b) The records of the Authority shall constitute public records. Every citizen shall have the right to inspect such records. The officer having custody of such records shall be obligated to furnish to any citizen a certified copy of any such record on the citizen's demand and payment to the Authority of the same fee as is payable to the Probate Judge of the County for furnishing certified copies of records of the Probate Court.

Section 25. Dissolution of Authority. At any time when no bonds of the Authority are outstanding, the Authority may be dissolved upon the filing with the Judge of Probate, in the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each of the members of the Board and sworn to by each member before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon

dissolution, all rights, title and interest of the Authority in property shall be vested in the City.

Section 26. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 27. Severability Clause. In the event any section, sentence, clause, or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 28. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Yeas 64; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Crowe, Edwards, Falkenburg, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Howard, Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1740. To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, construct, enlarge and operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other

debts of the Authority shall not constitute a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds, including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

As thus amended, was again read at length and passed.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Clark, Cooper, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Taylor, Teague, Trammell, Venable Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has passed the following House bill and returns same herewith to the House:

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide for a salary increase for the chief deputy sheriff and the deputy sheriff of any such county; to provide an additional expense allowance for the sheriff; and providing two additional jailors for such county and their compensation.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

On motion of Mr. Reed, the House concurred in and adopted the Senate amendment to the bill, H. 1950, said Senate amendment being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide that in the discretion of the county commission, the salary of the chief deputy sheriff and the regular deputy sheriffs of any

such county may be increased, and additional expense allowance may be made for the sheriff, and two additional jailors for such county may be employed; and to fix the compensation of such jailors, if employed, and the amount of the salary increases and allowance herein authorized.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census.

Section 2. The chief deputy sheriff in any county to which this act applies may, in the discretion of the county commission, receive additional compensation of \$200 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 3. The regular deputy sheriffs in any county to which this act applies may, in the discretion of the county commission receive additional compensation of \$150 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 4. The sheriff in any county to which this act applies may, in the discretion of the county commission receive an expense allowance of \$600 per month which shall be paid out of the county general fund and which shall be in addition to any and all other compensation, expenses and allowances provided for by law.

Section 5. There may, in the discretion of the county commission, be two additional jailors in any county to which this act applies. The salary for each of said additional jailors shall be not less than \$400 per month and shall be paid out of the county general fund. The additional jailors herein authorized shall be appointed by the sheriff of any such county to which this act applies and shall serve at his pleasure.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 67; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide that in the discretion of the county commission, the salary of the chief deputy sheriff and the regular deputy

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sheriffs of any such county may be increased, and additional expense allowance may be made for the sheriff, and two additional jailors for such county may be employed; and to fix the compensation of such jailors, if employed, and the amount of the salary increases and allowance herein authorized.

As thus amended, was again read at length and passed.

Yeas 60; Nays 0.

Yeas:

Mr. Speaker, Baker, Barron, Brindley, Carter, Cates, Clark, Cooper, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Plaster, Reed, Rich, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Pearson:

S. J. R. 156. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the last paragraph of S. J. R. 39, created in the third special session 1975, be amended to read as follows:

The Committee shall report to the Legislature on its findings by the 15th legislative day of the regular session 1976 and upon submission of its report shall be dissolved.

SENATE MESSAGE

On motion of Mr. Crowe, the House concurred in and adopted the resolution, S. J. R. 156, set out in the above and foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the executive amendment to the bill:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 376, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the Senate, said vote being Yeas 25, Nays 0.

And said Bill, H. B. 376, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE,
Secretary.

RESOLUTION

The following resolution was introduced:

By Messrs. Harris, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCorquodale, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Quarles, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt:

H. R. 418. CONGRATULATING REPRESENTATIVE ROGER KILLIAN ON THE BIRTH OF HIS DAUGHTER, LUANNE KILLIAN.

WHEREAS, on August 26, 1975, Representative Roger Killian and his lovely wife, Sally Gilbreath, had born to them a darling baby girl, LuAnne, who weighed at birth 6 lbs. and 11¾ oz.; and

WHEREAS, Baby LuAnne is the first child of Representative Roger Killian and it appears to all his constituents and fellow representatives that his popped buttons from pride have overtaken his senses in that he believes the gorgeous little angel, LuAnne, is in his image; and

WHEREAS, little LuAnne does show some statesmanlike propensities, particularly in being proficient at exercising her lungs and simultaneously emitting hot air; and

WHEREAS, this body feels compelled to put all matters in proper perspective; and

WHEREAS, this Legislature would like to commend Roger and Sally upon the birth of such a beautiful daughter on their first joint venture; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF ALABAMA, That we do proclaim that Representative Killian has every right to pop his buttons because of his selection of such a lovely wife, who is far better looking than the Representative, and is now the proud papa of a sweet daughter who takes her beauty and disposition after her mother and her statesman-like characteristics after Representative Roger Killian.

BE IT FURTHER RESOLVED, That we do heartily congratulate Representative Roger Killian and his lovely wife, Sally, upon the birth of their first child, Baby LuAnne.

On motion of Mr. Harris, the rules were suspended and the resolution, H. R. 418, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

And said Bill, H. B. 1662, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Mr. Jones:

S. J. R. 143. COMMENDING JAMES ALLEN (BEAU) JOHNSON, JR., FOR CONTINUING HIS EDUCATION WHILE SERVING IN THE U. S. AIR FORCE.

Also:

By Mr. Fine:

S. J. R. 151. EXPRESSING APPRECIATION TO THE MEMBERS OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA WHO PARTICIPATED IN THE "PHYSICIAN FOR A DAY" PROGRAM.

Also:

By Mr. Mitchell:

S. J. R. 152. NAMING BUTLER COUNTY ROAD 5 THE "HANK WILLIAMS MEMORIAL DRIVE."

Also:

By Mr. Fine:

S. J. R. 153. NAMING ALABAMA HIGHWAY 18 BETWEEN BERRY AND FAYETTE THE D. C. "DEACON" GREY MEMORIAL HIGHWAY.

McDOWELL LEE,
Secretary.

SENATE MESSAGE

Under the provisions of Joint Rule 11, the Clerk was instructed to hold the resolutions, S. J. R. 143 and S. J. R. 151, on the Clerk's desk for one legislative day.

The resolutions, S. J. R. 152 and S. J. R. 153, were read and referred to the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1822. To amend further Sections 3, 11, 12, 13 and 18 of Act No. 107, H. 150, Special Session 1956 (Acts 1956, p. 154), as amended, relating to the retirement system of the City of Prichard; to provide for the retroactive effect of the amendatory provisions of this Act.

Also:

H. 1894. Relating to Marengo County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor, tax collector, sheriff, circuit clerk, and register of said county; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and to authorize the county commission to pay the salaries of the clerical and secretarial employees that may be hired from time to time to staff the offices of such officials.

Also:

H. 1896. Relating to all counties having a population of not less than 65,500 nor more than 75,200 inhabitants according to the most recent federal decennial census; to provide that there shall be a referendum election in all such counties to determine whether or not the construction and maintenance of the county road system shall remain under the supervision and control of the state highway department.

Also:

H. 1909. Amending Act No. 791, H. 979, 1971 third Special Session of the Legislature (Acts 1971, Vol. II, p. 1525) to increase the compensation for the secretary to the district attorney of the twenty-fourth judicial circuit, and to provide for proportional payment by the counties constituting said circuit.

Also:

H. 1912. Relating to all counties having populations of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 1921. An Act relating to the municipality of Fort Payne in DeKalb County; to alter, re-arrange and extend the boundaries of the City of Fort Payne.

Also:

H. 1924. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent

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federal decennial census; to authorize the county commission to appoint an Engineer Trainee; to provide for his compensation; to prescribe certain qualifications and duties; to provide for state participation in his salary and to repeal conflicting laws.

Also:

H. 1889. Proposing a further amendment to Amendment No. 331 of the Constitution of Alabama relating to court costs and charges and to the compensation of certain officers of Cleburne County, eliminating the requirement for a county referendum.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1285. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Also:

H. 978. Relating to cities with populations of more than three hundred thousand; allowing said cities to grant ad valorem tax exemptions on city ad valorem taxes for up to fifteen years to owner-developers who build new commercial or industrial facilities on previously improved real property within the city limits of said cities; providing that such owner-developers receiving such exemptions shall, however, pay abatement property taxes assessed on not less than the highest value at which said city property was assessed at anytime within five years prior to the grant of exemptions, and to provide for the procedures to be followed in the granting of such exemptions and in the determination of the amount of such abatement property taxes.

Also:

H. 1916. Relating to Cullman County; to levy an excise and privilege tax on the severance of coal in said county; to provide for the collection, payment, and administration of such tax; to provide for the use of the proceeds of the tax for the paving of roads in Cullman County.

Also:

H. 1824. To amend Section 1 of Act No. 416, S. 396, Regular Session 1935 (Acts of 1935, p. 243) entitled "An act to authorize the Board of Revenue of Tuscaloosa County, Alabama, to levy and collect a privilege tax on all persons, Corporations, Co-partnerships, Companies, Agencies, Associations and Refiners selling, delivering, withdrawing from storage

or keeping in storage for sale or delivery in such county, gasoline, naptha, and other liquid motor fuels or any devices or substitutes therefor, commonly used in internal combustion engines, but not including "kerosene oil" "fuel oil" or "crude oil", commonly used for lighting, heating or industrial purposes, not to exceed one cent per gallon; To authorize said Board of Revenue of said County to provide the necessary rules and regulations and machinery for the collection of said privilege tax; To make provision for the distribution of the funds derived from said privilege tax; To prohibit any incorporated city or town in said County from levying or collecting a municipal privilege tax on such motor fuels or upon the business of selling, delivering, withdrawing from storage, or keeping in storage such motor fuels, on a quantity basis; To repeal the municipal privilege, excise and/or license taxes on gasoline, Woco-pep, or any other Motor fuel used by self propelled vehicles which may now be collected or levied by any incorporated city or town in said County; To provide for the use of the money derived from said privilege tax, and to provide penalties for the violation of such rules and regulations; To repeal all laws and parts of laws in conflict with this Act, and to provide when this Act shall become effective," so as to provide for the taxation of diesel fuel when such fuel is to be used in an internal combustion engine for the purpose of propulsion of a vehicle on public roads, streets, ferries, highways or bridges.

Also:

H. 203. To provide for the appointment of assistant district attorneys in the Thirteenth Judicial Circuit and for a graduated schedule of compensation for assistant district attorneys in the Thirteenth Judicial Circuit and to repeal Code of Alabama 1940, Title 13, Section 254 and all amendments thereto.

Also:

H. 783. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act. No. 102 approved June 3, 1975, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Also:

H. 1917. To provide for creation of a permanent joint highway committee of the Legislature to facilitate and coordinate a long-range program of highway development in the state, to empower said committee to review and approve long-range (20-year) highway development plans, review annual plans for highway construction, modification, maintenance and administration and annual budgets for the State Highway Department, which plans and budgets shall be submitted to said committee by the State Highway Department; to empower said committee to review priorities for all highway construction and modification projects under jurisdiction of the State Highway Department, to inspect performance of state highway functions, to conduct hearings, call witnesses and employ consultants, and to do all things necessary or desirable in connection with and incidental to the foregoing functions, and to require that all highway legislation be referred to said committee for its recommendations and approval.

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Also:

H. 531. To further provide for the authority of police officers appointed pursuant to the provisions of Section 500 of Title 52 of the Code of Alabama of 1940, as amended, and Act No. 1125, adopted at the 1969 Regular Session of the Legislature of Alabama.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 897. To further amend Act No. 497 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts, 1965, pp. 717-739), as heretofore amended, which established a pension system for employees and officers of Jefferson County, Alabama.

Also:

H. 1742. Relating to counties having a population of not less than 27,000 nor more than 27,900 inhabitants according to the most recent federal decennial census; requiring the county governing body to appropriate certain funds to the sheriff to be expended solely by him to cover expenses of his office.

Also:

H. 570. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the sheriff's department and counties having populations of not less than 300,000 nor more than 500,000.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the title of which are set out in the above and foregoing report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H. J. R. 368. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ADOPTING A REVISED CRIMINAL CODE FOR THE STATE OF ALABAMA.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 795. (With Amendment): Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety.

Was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration, said committee amendment being as follows:

In Section 2 on page 1, strike out the following words and figures, "to protect the person of the Governor of the State of Alabama, the members of his immediate family, the Governor-elect," and insert in lieu thereof:

from the date of his election, throughout his term and for a period of five years after the expiration of his term of office to protect the person of the Governor of the State of Alabama, the members of his immediate family and the Governor-elect; and from the date of their respective elections and throughout their respective terms of office the Department of Public Safety is authorized to protect the person of

And the amendment was adopted.

Yeas 65; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Hall, Harris, Higginbotham, Hill, Holley, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, Killian, Kinsey, Leonard, McCulley, McMillan, McNeese, Malone, Martin, Mitchem, Moore (O), Naramore, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, Williams and Wyatt.

And the bill, S. 795 as thus amended, was read a third time at length and passed.

Yeas 69; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Crawford, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Holley, Holmes, Hopping, Johnson, Johnstone, Jolly, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Martin, Mitchem, Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—69

Nay: Mr. Tucker.

—1

And the bill:

S. 658. Relating to taxation; to amend Title 51, Section 2 (1) (m) of Alabama Code of 1940, as heretofore amended, so as to exempt from ad valorem taxation articles manufactured in Alabama in the hands of the producer or manufacturer thereof for twelve (12) months after production or manufacture.

Was read a third time at length and passed.

Yeas 64; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Harris, Hill, Hilliard, Hines, Howard, Jackson (F), Johnstone, Jolly, Killian, Kinsey, Lewis, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—64

Nays: Messrs.: Hall, Johnson and Morris.

—3

RESOLUTION

The following resolution was introduced:

By Mr. Teague:

H. R. 419. NOTIFYING THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY OF THE INTENT OF THE HOUSE OF REPRESENTATIVES IN PASSING SENATE BILL 795.

WHEREAS Senate Bill 795 providing protection for the Governor, Governor-elect, and other state officials by the Department of Public Safety has passed the Senate and the House of Representatives; and

WHEREAS the members of the House of Representatives have passed this legislation with the intent and with the understanding that the Department of Public Safety will provide the protection referred to in this bill to the Speaker of the House of Representatives; now therefore

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That it was the intent of the House of Representatives in passing Senate Bill 795 that the protection provided by the Department of Public Safety under said Senate Bill 795 includes the Speaker of the House of Representatives and the Director of the Department of Public Safety is requested to take note of this resolution and extend the protection referred to the Speaker of the House of Representatives.

BE IT FURTHER RESOLVED That the Clerk of the House of Representatives is instructed to deliver a copy of this resolution to the Director of the Department of Public Safety.

On motion of Mr. Teague, the rules were suspended and the resolution, H. R. 419, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 391. To amend Section 4 of Act No. 46 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended, so as to provide that the certificate of incorporation of a county hospital board may contain provisions requiring that one or more of the members of its board of directors be elected from persons residing in certain specified political or other similar subdivisions of the county or from certain specified occupational or other similar groups or from among persons nominated by specified political subdivisions, public officers or occupational or other similar groups and so as to validate any certificates of incorporation of such hospital boards heretofore filed and containing such provisions.

Was read a third time at length and passed.

Yeas 66; Nays 0.

Yeas:

Messrs.: Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Plaster, Rich, Riddick, Roberts, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—66

And the bill:

S. 495. To authorize the governing bodies of counties in this state to make temporary loans in anticipation of the receipt of funds from the United States under the "State and Local Fiscal Assistance Act of 1972".

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford,

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Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

And the bill:

S. 496. To amend Section 125 of Title 12, Code of Alabama 1940, as last amended, which relates to the interest rate and maturity of temporary loans made by the county governing bodies in anticipation of taxes.

Was read a third time at length and passed.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Gafford, Goodwin, Greer, Hall, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Johnson, Johnstone, Jolly, Kelley, Kennedy, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, Malone, Martin, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

And the bill:

S. 20. (With Amendments): To provide that all retirement income or disability pay received by any retired military personnel and survivor benefits derived therefrom shall be exempt from all state, county or city income taxes or like taxes.

Was taken up.

The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 20 by striking all references to disability income or disability pay wherever such words appear.

And the amendment was adopted.

Yeas 80; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Crawford, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Rich,

Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—80

Nay: Mr. Hilliard.

—1

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend Senate Bill 20 by striking the first word of Section 1 on line 23 and in lieu thereof by adding the following:

The first Four Thousand Seven Hundred and Fifty Dollars (\$4,750.00)

And the amendment was adopted.

Yeas 77; Nays 2.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays: Messrs.: McNair and Turnham.

—2

Mr. White offered the following amendment to the bill, S. 20 as amended:

This act shall not apply to retired military personnel who have not reached the age of 55.

AMENDMENT TABLED

On motion of Mr. Lutz, the amendment offered by Mr. White to the bill, S. 20 as amended, was tabled.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Albright, Baker, Barron, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Goodwin, Gregg, Harris, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Mitchem, Morris, Naramore, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Williams and Wyatt.

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Nays:

Messrs.: Armstrong, Brindley, Gafford, Greer, Hall, Killian, Leonard, Moore (O), Plaster, Porter, Whatley and White.

—12

And the bill, S. 20 as thus amended, was read a third time at length and passed.

Yeas 82; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crawford, Cross, Crowe, Dial, Drake, Edwards, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Harrison, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lewis, Lockett, Lutz, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, Williams and Wyatt.

—82

Nays:

Messrs.: Armstrong, Hall, Hilliard, Lee, Leonard, McCluskey, Smith (M), Trammell, Whatley and White.

—10

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Perloff, Roberts and Noonan.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1926. Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

Also:

H. 1927. Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

Also:

H. 1928. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

Also:

H. 1933. Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

Also:

H. 1937. To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Also:

H. 1938. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

Also:

H. 1885. To provide an expense allowance for the Deputy Solicitor for Cherokee County, Alabama.

Also:

H. 1899. A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

Also:

H. 1795. Regulating through licensure the occupation of plumbing in Lauderdale County, Alabama; creating a board of plumbers examination and registration in such county for the purpose of examining and licensing master plumbers and journeyman plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act.

Also:

H. 1437. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

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Also:

H. 1892. To provide for the compensation of bailiffs for the grand jury and for bailiffs serving in courts in Shelby County.

Also:

H. 1883. To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census so as to further regulate the days, hours, and places of the meetings of the board of registrars and the compensation of its members.

Also:

H. 1906. To amend Sections 2 and 3 of Act No. 1067, S. 938, Regular Session of 1973 (Acts 1973, p. 1802) which act provides for a county commission in all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census so as to provide further for the election of the members of said commission and to provide further for the meetings of said commission.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1902. To amend the title and Section 1 of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), which Act provides further for the compensation of members of the county board of education of certain counties classified on a population basis.

Also:

H. 1506. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places and to remove restrictions on the gift, sale, service or consumption of alcoholic beverages in public places to or by persons not seated at tables.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 803. To amend Sections 6, 7 and 10 of Act No. 727, H. 1714, 1973 Regular Session (Acts of 1973, p. 1086) relating to Bibb County so as to provide further for the method of compensation of the probate judge and his assistants, the assistants of the circuit clerk and to change the effective date as to the probate judge and his assistants to July 1, 1975.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Shelby, Fine and Foshee.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Roberts, Noonan and Owen.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 1136. To apply to every county of the State having a population of more than 500,000 according to the last or any subsequent federal census; to define for and in such county an associate registrar as a member of the board of registrars of the county other than the chairman of said board; to provide that the term of an associate registrar shall expire on a date four years subsequent to the date of his appointment; to provide that if when an associate registrar's term expires there are then a full time chairman of the board of registrars subject to a civil service system and full time employees of said board subject to said civil service system, the appointing board, provided for by Section 21, Title 17, Code of Alabama of 1940, shall not appoint a successor to such associate registrar until the appointing board has received a resolution of the governing body of the county requesting that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that the governing body shall not adopt any such resolution unless such governing body has found, and recites in said resolution, that it is essential to the efficient functioning of the board of registrars that the appointing board appoint a successor to the associate registrar whose term has expired; to provide that as soon as practical after the appointing board receives such resolution the appointing board shall appoint a successor to the associate registrar whose term has expired; to provide that upon an associate registrar's term expiring thereafter until his successor is appointed the chairman, or the chairman and the remaining associate registrar, as the case may be, shall perform the functions and duties of the board of registrars; to provide that when the chairman performs the functions and duties which a former associate registrar would have performed if his term had not expired, the State of Alabama shall pay to the general fund of the county an amount equal to the compensation which the State would have paid such former associate registrar if he as an associate registrar had performed the duties the chairman performed in his stead.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the House Bill:

H. 821. Relating to the State Personnel Board; to increase the number of members on said board from three to five; providing for the selection, appointment, term of office and compensation of the additional two members.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate Messrs. Jones, Torbert and Mims.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 741. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 881. To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 786. To provide that the employees of any city having a population of not less than 175,000 nor more than 275,000 according to the most recent federal decennial census, may by election designate a bargaining agent to represent them in respect to the wages the city employing them shall pay them and in respect to other conditions of employment; to pro-

vide for calling and conducting elections to certify a bargaining agent and elections to decertify a bargaining agent; to authorize the director of labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agent or the officer or body empowered to establish wages for the employees; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that the arbitrators' decisions shall be binding upon all parties; to provide for the enforcement of such decisions by the circuit court; to provide that it shall be unlawful for an employee to strike or engage in any work stoppage or slowdown; and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for employees to fail to bargain in good faith, in accordance with this act, or to fail to carry out any decision rendered by the arbitrators; to provide penalties for any person violating this act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this act.

And in accordance with the provisions of the report, said Conference Committee has been discharged and a new Conference Committee requested.

And the President and Presiding Officer of the Senate has appointed as new conferees on part of the Senate Messrs. Roberts, Noonan and Perloff.

MCDOWELL LEE,
Secretary.

MOTION TO RECESS

Mr. Boles offered the motion that the House recess for one hour.

SUBSTITUTE MOTION OFFERED

Mr. Greer offered the substitute that the House recess for fifteen minutes.

SUBSTITUTE MOTION TO SUBSTITUTE MOTION LOST

The substitute motion offered by Mr. Johnstone to temporarily carry over the substitute motion offered by Mr. Greer, was lost.

SUBSTITUTE MOTION LOST

The question was then on the substitute motion offered by Mr. Greer that the House recess for fifteen minutes, and the substitute motion was lost.

Yeas 32; Nays 62.

Yeas:

Messrs.: Barron, Cates, Cooper, Cross, Glass, Goodwin, Greer, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Holmes, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Leonard, McNees, Malone, Martin, Naramore, Plaster, Porter, Robertson, Smith (B), Trammell, Whatley and Wyatt.

—32

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Coburn, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Gregg, Hines, Holley,

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Hopping, Jolly, Kennedy, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Merrill, Mitchem, Moore (O), Moore (W), Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, White and Williams.

—62

MOTION TO RECESS LOST

The question was then on the motion offered by Mr. Boles that the House recess for one hour, and the motion was lost.

Yeas 32; Nays 66.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Barron, Boles, Cooper, Glass, Hall, Harris, Harrison, Hilliard, Holley, Holmes, Hopping, Jackson (R), Johnson, Jolly, Leonard, Lewis, Lockett, McNair, McNees, Martin, Moore (O), Naramore, Plaster, Reed, Smith (C), Starkey, Trammell, Turnham and Whatley.

—32

Nays:

Mr. Speaker, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Higginbotham, Hill, Hines, Howard, Jackson (F), Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Mitchem, Moore (W), Morris, Pegues, Porter, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—66

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 399. NAMING ACT NO. 524, S. 185, PROVIDING FOR SEMI-PERMANENT LICENSE PLATES, THE "McMILLAN-HINES-DIAL ACT."

Also:

H. J. R. 377. CREATING AN AMATEUR ARCHAEOLOGIST SOCIETY TO STUDY ALABAMA'S PREHISTORIC ERA.

Also:

H. J. R. 376. COMMENDING THE UNIVERSITY OF ALABAMA CENTER FOR BUSINESS AND ECONOMIC RESEARCH, THE ALABAMA LEAGUE OF MUNICIPALITIES, THE ALABAMA DEVELOPMENT OFFICE, AND THE ALABAMA STATE CHAMBER OF COMMERCE FOR THEIR SERVICE IN ASSEMBLING AND PRODUCING THE MATERIAL FOR EACH HOUSE AND SENATE DISTRICT.

Also:

H. J. R. 373. URGING THE BOARD OF CORRECTIONS TO CONSIDER A PLAN OF REORGANIZATION CONDUCTIVE TO THE REHABILITATION OF PROMISING CANDIDATES.

Also:

H. J. R. 338. REQUESTING THE JEFFERSON COUNTY COMMISSION AND THE WATER BOARD TO REVIEW AND REVISE THE RATES.

Also:

H. J. R. 102. CHARGING THE HISTORIC RESOURCE ADAPTORS COUNCIL TO ORGANIZE LOCAL, REGIONAL AND AREA COUNCILS WHICH WILL PROMOTE AND ENCOURAGE ALABAMIANS TO ADAPT, RENOVATE, AND REHABILITATE INDUSTRIAL, PROFESSIONAL AND COMMERCIAL HISTORIC LANDMARKS.

Also:

H. J. R. 370. CREATING A COUNCIL TO STUDY THE STATE'S HISTORIC FORTS, ROADS, AND TRAILS AND NATURAL LANDMARKS.

Also:

H. J. R. 406. COMMENDING VICTORIA POPE AT THE END OF HER REIGN AS THE NATIONAL PRESIDENT OF THE FUTURE HOMEMAKERS OF AMERICA.

Also:

H. J. R. 400. CONGRATULATING THOMAS B. AND MILDRED HILL ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

H. J. R. 404. COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

Also:

H. J. R. 403. COMMENDING CLEVELAND L. ADAMS.

Also:

H. J. R. 410. CREATING AN INTERIM STUDY COMMITTEE ON THE AVAILABILITY OF SAFE AND SANITARY RESIDENTIAL HOUSING FOR LOW AND MODERATE INCOME FAMILIES.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 357. To apply only in Mobile County providing for service of witness subpoenas by mail.

Also:

H. 1120. To provide for supplementing the compensation paid to retired Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 1905. To amend Section 13 and 14(a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper, in relation to the number of days an employee can be suspended without right of hearing; and permitting any citizen to file charges.

Also:

H. 1903. To authorize the creation of the office of commissioner of licenses of Walker County; to prescribe the powers, duties, and authority of the Commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Also:

H. 1850. Relating to the thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary.

Also:

H. 1874. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 1901. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

H. 1936. To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

Also:

H. 1836. To provide an additional expense allowance for the circuit court reporters of the Ninth Judicial Circuit by the counties composing said circuit.

Also:

H. 1864. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county, except diesel fuel used for any purpose whatsoever; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Also:

H. 1865. To limit the use of public road and bridge funds of DeKalb County.

Also:

H. 1866. Relating to DeKalb County; authorizing the DeKalb County Commission to levy an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

H. 1867. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Also:

H. 1463. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers in Blount County.

Also:

H. 1318. Relating to counties having a population not less than 115,000, nor greater than 150,000, according to the latest Federal decennial census; providing that, in addition to the \$12 per diem now being paid by the state, poll workers and election officers shall be paid \$12 per diem from the county general fund.

McDOWELL LEE,
Secretary.

STATEMENT OF HOUSE CONFEREES ON H. 490 FILED

We, the undersigned House Conferees, having spent numerous hours in conference with the Senate Conferees, with the Governor, with the

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Lieutenant Governor and with the Speaker of the House, as well as having heard and considered the requests of many members of the House, have agreed to and signed the conference report being submitted today. We feel that it is mandatory to come forth with a budget in order to meet the salaries of the many State employees paid from the General Fund and to make available to the people of Alabama the many services rendered by these vital state agencies that are operated from the General Fund. To end this legislative session without enacting a balanced budget to deliver these salaries and these services would be a failure to properly represent the people of Alabama who elected us to this important office.

Therefore, with these thoughts in mind, we have reluctantly agreed to the proposed bill.

We, the Speaker of the House, and the Governor felt that the appropriations to the Office of the Attorney General should have been restored to what it was in the original bill.

We, the House Conferees, wish to present a spirit of unity and cooperation in order to best serve the State of Alabama. We feel that we have met our responsibilities, having in mind the Oath of Office that was administered to us in January of 1975.

We earnestly solicit the House in this same spirit of unity and urgency in providing a General Fund Appropriations Bill to adopt this Conference Committee Report.

Respectfully submitted,
Hugh D. Merrill
Richard S. Manley
Walter Owens

REPORT OF CONFERENCE COMMITTEE ON H. B. 490

We, your Committee on Conference appointed to reconcile the differences between the two Houses on the Bill, H. B. 490, beg leave to report as follows:

That the House of Representatives and the Senate of Alabama adopt the accompanying Conference substitute.

Rep. Hugh Merrill
Rep. Walter Owens
Rep. Richard Manley
Conferees on part of the House
Senator L. D. Owen
Senator Crum Foshee
Senator U. W. Clemon,

except as to that part of the afore-said substitute which transfers \$14 million from the Special Education Trust Fund to the General Fund; it being my recommendation that any such transfer be limited to not more than \$5 million.

Conferees on part of the Senate

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

Be It Enacted by the Legislature of Alabama:

Section 1. That, for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable to the appropriations herein made: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases, and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rents and items of general expense not defined as "equipment purchases" and the money appropriated therefor shall be expended only for such purposes: (c) "equipment purchases" shall mean those items of office equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year; (d) "automotive equipment purchases" shall mean those items of motor vehicle equipment only and the money appropriated therefor shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for the interest on the public debt, and for the public schools for the fiscal year ending September 30, 1976, to be paid out of any moneys in the State Treasury not otherwise appropriated, the several sums of money hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor and the amounts herein appropriated for "equipment purchases" and "automotive equipment purchases" shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of the items of personal property described in Section 1 (c) and (d) hereof. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

FROM THE GENERAL FUND

I. LEGISLATIVE:

(1) EXPENSES OF THE LEGISLATURE:

(a) For the salaries of the Clerk of the House and the Secretary of the Senate and for other salaries and other expenses and for the salaries and expenses of the Legislature _____

2,500,000.00

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(b) National Conference of State Legislators		22,500.00
(For the purpose of paying the State's share of the operation of the National Conference of the State Legislatures.)		
(c) For the printing of Legislative Acts and Journals, Estimated		125,000.00
(d) For Legislative Council expenses		50,000.00
(2) LEGISLATIVE REFERENCE SERVICE:		
(a) For operation of the Department:		
For salary of the Director ..	24,042.00	
For other salaries	338,394.00	
For other expenses	26,100.00	
For equipment purchases ..	2,000.00	
Total		390,536.00
(b) Commission on Intergovernmental Cooperation:		
For salaries, other expenses, equipment purchases and Matching Federal Funds		145,000.00
(Any portion of the above appropriation can be used for Reorganization of the State Government project and employees shall not be subject to the provisions of the Merit System Law.)		
(c) Code Revision:		
For salaries and expenses, Estimated		10,000.00
(3) DEPARTMENT OF EXAMINERS OF PUBLIC ACCOUNTS:		
For salary of the Chief Examiner	22,729.00	
For salary of the Assistant Chief Examiner	21,502.00	
For other salaries	1,796,769.00	
For other expenses	445,000.00	
For equipment purchases	9,000.00	
Total		2,295,000.00

II. JUDICIAL:

(1) THE SUPREME COURT:		
For the salaries of the Chief Justice and eight Associate Justices	301,500.00	
For the salary of the Clerk of Court, Est.	26,130.00	
For the salary of the Marshal and Librarian, Estimated	26,130.00	
For the salary of Reporter of Decisions, Estimated	21,502.00	
For the salaries of Law Clerks, Estimated	110,214.00	

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For other salaries	356,524.00
For other expenses	85,000.00
For equipment purchases	5,000.00
For printing Alabama Reports, Estimated	13,000.00
For Advisory Committee Work	5,000.00
For Judicial Education	5,000.00

Total	955,000.00
For the Supreme Court Library Fund	85,000.00

(2) **COURT OF CRIMINAL APPEALS:**

For the salaries of the Judges ..	165,000.00
For the salary of Clerk of Court, Estimated	26,130.00
For the salaries of Law Clerks, Estimated	61,230.00
For other salaries	112,125.00
For other expenses	31,000.00
For equipment purchases	5,000.00
For printing Appellate Court Reports, Estimated	8,000.00

Total	408,485.00
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(3) **COURT OF CIVIL APPEALS:**

For the salaries of the Judges ..	99,000.00
For the salaries of Law Clerks, Estimated	39,238.00
For the salary of Clerk of Court, Est.	26,130.00
For other salaries	72,915.00
For other expenses	18,500.00
For rental of office space	27,125.00
For equipment and book pur- chases	1,000.00
For printing Appellate Court Reports, Estimated	7,200.00

Total	291,108.00
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(4) **THE CIRCUIT COURTS:**

For the salaries of the Judges of the Circuit Courts, Estimated	2,450,000.00
For travel expenses of Circuit Judges, Esti- mated	25,000.00
For College of Trial Judges, as provided in Act No. 730, 1967 Regular Session	10,000.00
For telephone service, stationery, stamps, books, equipment purchases and necessary office supplies for the office use of Circuit Judges	50,000.00
For the salaries and travel expenses of special Judges, Estimated	15,000.00
For salaries of District Attor- neys, Estimated	936,000.00
For salary of elected Deputy District Attorney of the Bes- semer Division of the 10th Judicial Circuit	23,000.00

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For the salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit	3,600.00
For the salary of the First Deputy District Attorney of the Birmingham Division of the 10th Judicial Circuit	5,700.00
For the salaries of the Second and Third Deputies District Attorneys of the Birmingham Division of the 10th Judicial Circuit	10,000.00
For the salaries of the Fourth, Fifth, Sixth, Seventh and Eighth Deputies District Attorneys of the Birmingham Division of the 10th Judicial Circuit: \$4,000.00 each	20,000.00
For the salary of the Deputy District Attorney of the 1st Judicial Circuit	3,600.00
For the salary of the Deputy District Attorney of the 4th Judicial Circuit, Estimated ..	24,000.00
For the salaries of the Deputies District Attorneys of the 6th Judicial Circuit	14,400.00
For the salary of the Deputy District Attorney of the 7th Judicial Circuit	6,900.00
For the salary of the Deputy District Attorney of the 8th Judicial Circuit	10,800.00
For the salaries of the Deputies District Attorneys of the 9th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 10th Judicial Circuit	22,000.00
For the salary of the Deputy District Attorney of the 11th Judicial Circuit	4,500.00
For the salaries of the Deputies District Attorneys of the 13th Judicial Circuit, Estimated ..	39,625.00
For the salary of the Assistant District Attorney of the 14th Judicial Circuit	7,200.00
For the salaries of the Deputies District Attorneys of the 15th Judicial Circuit	38,600.00
For the salaries of the Deputies District Attorneys of the 16th Judicial Circuit	6,000.00
For the salaries of the Deputies District Attorneys of the 23rd Judicial Circuit	42,000.00

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For the salaries of the Deputies District Attorneys of the 26th Judicial Circuit	13,000.00
For the salary of the Deputy District Attorney of the 27th Judicial Circuit	7,200.00
For the salary of the Deputy District Attorney of the 29th Judicial Circuit	7,200.00
For the salaries of the Deputy District Attorneys of the 31st Judicial Circuit	4,200.00
For the salary of the Deputy District Attorney for the 32nd Judicial Circuit	9,660.00
For the salary of the Deputy District Attorney for the 38th Judicial Circuit	3,600.00
For the travel expenses of the District Attorneys, Esti- mated	40,000.00
For the salary of the steno- graphic secretary of the 6th Judicial Circuit	1,200.00
For telephone service, station- ery, stamps and necessary office supplies for the office use of the District Attorneys, Deputy District Attorneys or Assistants	50,000.00
(Provided, however, that none of this appropriation shall be expended for books and equipment purchases.)	
For the salaries of the Public Defenders for the 21st Ju- dicial Circuit, as provided by Act No. 1158, 1969 Regular Session	24,000.00
Total	1,385,125.00
For the salary and expenses of Supernumerary District Attorneys, Estimated	125,737.00
(5) DEPARTMENT OF COURT MANAGEMENT: For transfer to the Department of Court Man- agement Fund	133,666.00
(6) COURT REPORTERS: For the compensation of the Circuit Court Re- porters, Estimated	350,000.00
For the compensation of the Supernumerary Circuit Court Reporters, Estimated	70,000.00
(7) SUPERNUMERARY JUDGES: For salaries of Supernumerary Judges and Justices, Estimated	275,000.00
For expenses of Supernumerary Judges and Justices, Estimated	35,000.00

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(8) JUDICIAL INQUIRY COMMISSION	44,500.00
(9) JUDICIARY RETIREMENT FUNDS, ESTI- MATED	885,000.00
(10) PERMANENT STUDY COMMISSION ON ALABAMA'S JUDICIAL SYSTEM	25,000.00
For matching Federal funds, if available, monies from any of the above appropriations (II, Judicial), regardless of whether they are also specified, may be used for the pur- pose.	

III. EXECUTIVE:

**A. DEPARTMENTS, BOARDS, BUREAUS, AGEN-
CIES AND COMMISSIONS:**

(1) ALABAMA ACADEMY OF HONOR	1,500.00
(Pursuant to provisions of Act No. 15, Third Special Session 1965.)	
(2) STATE BOARD OF ADJUSTMENT:	
(a) For expenditures by the Board pay- able from General Fund for the General Fund Contribution to the total expenditure of \$200,000 pur- suant to Title 55, Section 343	15,000.00
(b) For expenditures by the Board pay- able from General Fund the pro- visions of Act No. 208, 1966 Special Session and Act No. 436, 1967 Regu- lar Session, Estimated	100,000.00
(3) ADVERTISING LANDS FOR TAX SALE, ESTIMATED	14,000.00
(4) COMMISSION ON AGING—TRANS- FER	175,000.00
(5) DEPARTMENT OF AGRICULTURE AND INDUSTRIES:	
(a) For transfer to the Agricultural Fund for salaries, other expenses and equipment purchases for the De- partment of Agriculture and In- dustries	2,540,000.00
(b) For transfer to the Department of Agriculture and Industries to be ex- pended by the Meat and Poultry Inspection Division for salaries, other expenses, equipment pur- chases and automotive equipment purchases	700,000.00
(c) For transfer to the Department of Agriculture and Industries to ex- pended by the Egg Inspection Di- vision for salaries, other expenses and equipment purchases	53,000.00

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(d) For transfer to the Department of Agriculture and Industries to be expended by said Department for salaries, other expenses, equipment purchases, automotive equipment purchases and for purchase of insecticides and chemicals for control of the fire ant.		250,000.00
(The above appropriation in item (d) shall be conditional upon the condition of the State Treasury with the approval of the Governor.)		
(6) AGRICULTURE CENTER BOARD:		
(a) For transfer to the Agriculture Center Board for salaries and other expenses		50,265.00
(b) For expenses and awarding of prizes as provided by Act No. 1122, 1969 Regular Session		90,000.00
(7) ALABAMA AGRICULTURE AND INDUSTRIAL EXHIBIT COMMISSION ...		40,000.00
(8) APPALACHAIN REGIONAL DEVELOPMENT PROGRAM		150,000.00
(9) DEPARTMENT OF ARCHIVES AND HISTORY:		
For the salary of the Director		22,728.94
For other salaries		189,771.06
For other expenses		40,000.00
For equipment purchases ..		5,000.00
For expenses of printing of the Alabama Historical Quarterly		7,500.00
For expenses of printing of the Statistical Register		10,000.00
Total		275,000.00
(10) ARREST OF ABSCONDING FELONS:		
For expenses incident to the arrest of absconding felons, Estimated		2,000.00
(11) ALABAMA COUNCIL ON THE ARTS AND HUMANITIES:		
For transfer to the Council on the Arts and Humanities		100,000.00
(12) PAYMENT OF ATTORNEYS FEES IN INDIGENT CAPITAL CASES, ESTIMATED		37,500.00
(As provided in Act No. 176, 1947 Acts, page 61)		
(13) OFFICE OF THE ATTORNEY GENERAL:		
For the salary of the Attorney General		33,500.00

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For the salary of the Deputy Attorney General	32,500.00	
For the salary of the Executive Assistant, Estimated	26,130.00	
For other salaries	725,000.00	
For other expenses	110,000.00	
For equipment purchases	6,000.00	
For automotive equipment purchases	5,000.00	
For special investigation as provided by Act No. 1080, 1969 Regular Session	15,000.00	
Total		953,130.00
(For Matching Federal Funds, if available, \$60,000 from any of the above appropriations may be used for this purpose.)		
(14) OFFICE OF THE STATE AUDITOR:		
(a) For operation of the Department:		
For the salary of the State Auditor	22,970.00	
For other salaries	160,000.00	
For other expenses	37,030.00	
For equipment purchases	5,000.00	
Total		225,000.00
(b) Office of the State Auditor — Property inventory:		
For salaries	50,000.00	
For other expenses	9,150.00	
For equipment purchases	850.00	
Total		60,000.00
(15) AUTOMATIC APPEAL EXPENSE, ESTIMATED		
Provided in 1943 Acts of Legislature, page 217.		3,000.00
(16) COOSA-ALABAMA DEVELOPMENT AUTHORITY		
		12,500.00
(17) TRANSFER TO STATE DOCKS DEPARTMENT:		
For dredging and constructing the Theodore ship channel		2,000,000.00
(18) (a) STATE BANKING DEPARTMENT:		
For transfer to the State Banking Department		113,000.00

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(b) BANKING DEPARTMENT—BU- REAU OF LOANS:	
For transfer to the State Banking De- partment	140,000.00
(19) BICENTENNIAL COMMISSION, ALA- BAMA	30,000.00
(20) BUILDING COMMISSION:	
For salaries, other expenses, equipment purchases and automotive equipment purchases	100,000.00
(21) ALABAMA HISTORICAL COMMIS- SION—TRANSFER	7,000.00
(For operation of Cahaba Historical Site in accordance with Act No. 155, 1975 Third Special Session.)	
(22) ALABAMA WING OF CIVIL AIR PA- TROL	35,000.00
(23) CIVIL COURT COST IN CONNECTION WITH AD VALOREM TAX ASSES- MENTS APPEALS, ESTIMATED	100.00
(24) DEPARTMENT OF CIVIL DEFENSE:	
(a) For salaries, other expenses and equipment purchases	195,000.00
(b) For matching Federal Funds—Dis- aster Relief	1,492,000.00
(25) DEPARTMENT OF CONSERVATION:	
For transfer to Conservation—State Parks Fund—	
For salaries, other expenses, equipment purchases and capital outlay for the State Parks Division	1,500,000.00
(26) BOARD OF CORRECTIONS	
For transfer to Board of Corrections	7,800,000.00
(27) COUNCIL OF STATE GOVERNMENTS ..	30,790.00
(28) COURT COSTS, ESTIMATED	250,000.00
To be paid by the State of Alabama pur- suant to Act No. 558, 1957 Acts, page 777.	
(29) COURT COSTS, ESTIMATED	65,000.00
To be paid by the State of Alabama not otherwise provided for.	
(30) DEPARTMENTAL EMERGENCY FUND ..	450,000.00
This is the appropriation contemplated in Section 105, Title 55 of the Code of Ala- bama 1940 and shall be the only amount appropriated and the total amount ex- pended under the provisions of said section.	

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(31) ALABAMA DEVELOPMENT OFFICE:		
For transfer to Alabama Development Office for operations		2,561,000.00
For transfer of the Alabama Development		
(32) ELECTION EXPENSES, ESTIMATED		900,000.00
(33) ELK RIVER DEVELOPMENT ASSOCIATION		5,000.00
(34) STATE EMPLOYEES INSURANCE		450,000.00
To pay the State's share of the State Employees Insurance Program, estimated.		
(35) STATE EMPLOYEES INSURANCE BOARD:		
For salaries	31,750.00	
For other expenses	5,900.00	
For equipment purchases ..	350.00	
Total		38,000.00
(36) EMPLOYEES' RETIREMENT FUND—STATE'S PART, ESTIMATED		3,300,000.00
(37) ETHICS COMMISSION, ALABAMA:		
For operations of the Alabama Ethics Commission		100,000.00
(38) FAIR TRIAL TAX—TRANSFER		100,000.00
To be expended in accordance with Act No. 525 and Act No. 526, 1963 Regular Session.		
(39) FARMERS' MARKET AUTHORITY:		
For transfer to the Farmers' Market Authority for the operation of the Farmers' Market Authority		53,000.00
(40) FEEDING OF PRISONERS:		
For expenses of feeding prisoners in county jails, Estimated		1,300,000.00
(41) DEPARTMENT OF FINANCE:		
(a) Director's Office:		
For the salary of the Director, Estimated ..	24,000.00	
For the salary of the Assistant Director, Estimated	23,699.00	
For other salaries	12,246.00	
For other expenses	8,500.00	
Total		68,445.00
(b) Division of the Budget:		
For salaries	232,400.00	
For other expenses	16,600.00	
For equipment purchases	11,000.00	
To carry out the provisions of the Gov-		

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ernor's Committee on Fiscal Responsibility's Contractual Services for Program Budgeting initiation ..	150,000.00	
Total		410,000.00
(c) Division of Control and Accounts:		
For salaries	475,000.00	
For other expenses	200,000.00	
For equipment pur- chases	5,000.00	
Total		680,000.00
(d) Legal Division:		
For salaries	57,630.00	
For other expenses	6,370.00	
For equipment pur- chases	1,000.00	
Total		65,000.00
(e) Data Systems Management—Trans- fer		150,000.00
(f) Data Systems Management Revolving Fund		450,000.00
(g) Division of Printing and Publica- tions		50,000.00
(h) Division of Purchases and Stores:		
For salaries	304,500.00	
For other expenses	35,000.00	
For equipment pur- chases	2,000.00	
Total		341,500.00
(i) Division of Service:		
For salaries	782,000.00	
For other expenses	360,000.00	
For equipment pur- chases	15,000.00	
Total		1,157,000.00
(j) Space Management Operations		60,000.00
(k) Equipment purchases for the State Offices in the Executive, Admini- strative and Judicial Departments ..		5,000.00
(42) MATCHING FEDERAL FUNDS NOT OTHERWISE PROVIDED FOR		100,000.00
(43) ALABAMA FORESTRY COMMISSION:		
For transfer to the Alabama Forestry Commission—For salaries, other ex- penses, equipment purchases and auto- motive equipment purchases		1,800,000.00

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(44) FORT MORGAN HISTORICAL COMMISSION:		
For salaries	37,000.00	
For other expenses	20,000.00	
For equipment purchases ..	2,800.00	
Total		59,800.00
(45) GEOLOGICAL SURVEY:		
For the salary of the State Geologist	26,591.00	
For other salaries	350,000.00	
For other expenses	110,000.00	
For equipment purchases ..	5,000.00	
For operation of new building	18,409.00	
For matching funds for investigation of water, mineral & energy resources of the State	230,000.00	
For test drilling	25,000.00	
For topographic Mapping ..	25,000.00	
Total		790,000.00
(46) GORGAS MEMORIAL BOARD		9,500.00
To provide for the appropriation authorized by Act No. 417, 1943 Acts, page 383 and an additional amount.		
(47) THE GOVERNOR'S OFFICE:		
(a) For operation of the Department:		
For the salary of the Governor	28,955.00	
For the salary of the Executive Secretary	22,729.00	
For the salary of the Legal Advisor	22,729.00	
For the salary of the Press Secretary	22,729.00	
For the salary of the Confidential Assistant	22,729.00	
For other salaries	147,204.00	
For other expenses	105,000.00	
For printing Governor's State Budget, Estimated	22,000.00	
For equipment purchases	3,500.00	
For automotive equipment purchases	8,000.00	
Total		405,575.00
(b) For the Governor's Emergency Fund, to be expended at the direction of the Governor		100,000.00

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(c) For the Governor's Controlled Contingency Fund		60,000.00
(d) For Governor's Office — Consumer Agency:		
For salaries	119,000.00	
For other expenses	40,000.00	
For equipment purchases	1,000.00	
Total		160,000.00
(e) For the Mansion Fund		45,000.00
(f) For the Governor's Mansion at Gulf Shores		10,000.00
(g) For the Governor's committee on Reorganization of State Government		38,500.00
(48) EXPENSES OF GOVERNOR'S PROCLAMATION, ESTIMATED		150,000.00
(49) NATIONAL GOVERNOR'S CONFERENCE		16,150.00
(50) GOVERNOR'S RETIREMENT, ESTIMATED		9,000.00
(51) GOVERNOR'S WIDOWS RETIREMENT, ESTIMATED		14,400.00
(52) DEPARTMENT OF HEALTH:		
(a) For Administration of all State Health Services and Programs (excluding Medicaid)		8,557,912.00
(b) For Medicaid:		
For transfer to the Medicaid Account ..	50,600,000.00	
(c) For Emergency Medical Services		20,000.00
(53) HELEN KELLER HOME:		
For operation and maintenance		5,000.00
(54) OFFICE OF HIGHWAY AND TRAFFIC SAFETY:		
For transfer to Office of Highway and Traffic Safety		75,000.00
(55) ALABAMA HISTORICAL COMMISSION:		
For transfer to Alabama Historical Commission		264,720.00
(56) HISTORIC CHATTAHOOCHEE COMMISSION		74,650.00
(57) RICHMOND PEARSON HOBSON MEMORIAL BOARD		9,500.00
To provide the appropriation authorized by Act No. 536, 1943 Acts, page 510 and an additional amount.		

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(58)	DEPARTMENT OF INDUSTRIAL RE- LATIONS:		
	For salaries	389,400.00	
	For other expenses	70,000.00	
	For equipment purchases ..	1,000.00	
	For automotive equip- ment purchases	4,600.00	
	Total		465,000.00
(59)	DEPARTMENT OF IN- SURANCE:		
	For salary of the Director ..	24,487.71	
	For other salaries	399,512.29	
	For other expenses	118,000.00	
	For equipment purchases ..	3,000.00	
	For automotive equipment purchases	5,000.00	
	Total		550,000.00
(60)	INTERPRETER'S ACCOUNT, ESTI- MATED		100.00
	(To carry out provisions of Act No. 799, 1965 Regular Session.)		
(61)	COURT OF JUDICIARY:		
	For salaries	2,500.00	
	For other expenses	4,150.00	
	For equipment purchases ..	200.00	
	Total		6,850.00
(62)	STATE LABOR DEPART- MENT:		
	For salary of the Director ..	22,729.00	
	For other salaries	105,571.00	
	For other expenses	26,200.00	
	For equipment purchases ..	500.00	
	Total		155,000.00
(63)	LAGRANGE HISTORICAL COMMIS- SION		2,500.00
	(To provide the appropriation and for the expenditures authorized by Act No. 551, 1943 Acts, page 540.)		
(64)	LAW ENFORCEMENT LEGAL DE- FENSE, ESTIMATED		2,000.00
	(To carry out provisions of Act No. 259, 1957 Regular Session.)		
(65)	ALABAMA LAW ENFORCEMENT PLANNING AGENCY:		
	For matching Federal Funds		615,000.00
(66)	TRANSFER TO TELEPHONE REVOLV- ING FUND		576,720.00

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(67)) LIVESTOCK COLISEUM:	
For transfer to the Livestock Coliseum Fund for the operation of the Livestock Coliseum	140,000.00
(68) MAILING TAX NOTICES, ESTIMATED ..	7,500.00
(69) MENTAL HEALTH:	
For transfer to Special Mental Health Fund	14,800,000.00
(70) MILITARY DEPARTMENT:	
(a) For operation of the Department:	
For salary of the Adjutant General	22,729.00
For other salaries	528,271.00
For other expenses	110,000.00
For equipment purchases	4,000.00
Total	665,000.00
(b) For Quarterly Allowances:	
For Headquarters	5,000.00
For Regular Allowance to Units	363,500.00
Provided that not more than \$5,000 may be allotted in any fiscal year for the Headquarters, Alabama National Guard	
(c) For Active Military Service—Active National Guard	
	100,000.00
(d) For transfer to the Armory Commission:	
For care and maintenance of armories	950,000.00
For construction of armories	1,006,000.00
(71) OIL AND GAS BOARD:	
(a) Operations of Board:	
For salaries	419,500.00
For other expenses	100,000.00
For equipment purchases	5,000.00
For salaries, other expenses, equipment purchases and automotive equipment purchases to be allotted upon opening of New Oil and Gas Fields	40,000.00
Total	564,500.00
(b) For the Oil and Gas Board to monitor offshore oil drilling	60,000.00
(72) BOARD OF PARDONS AND PAROLES:	
For salaries of Board Members	63,321.00

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For other salaries	1,471,679.00	
For other expenses	150,000.00	
For equipment purchases ..	9,000.00	
For Federal Matching Funds	50,000.00	
Total		1,744,000.00
(73) DEPARTMENT OF PENSIONS AND SE- CURITY:		
For transfer to the Department of Pen- sions and Security for the support, maintenance and operations of the func- tions of Pensions and Security		13,000,000.00
(74) PERSONNEL DEPARTMENT:		
For transfer to the Personnel Department for the payment of the State's General Fund share of the cost of operating the Department		109,760.00
(75) FIRST WHITE HOUSE OF CONFEDER- ACY		11,500.00
(76) COMMISSION TO PRESERVE THE PEACE:		
For salaries and other expenses		10,000.00
(For purposes of phasing out the opera- tions by December 31, 1975.)		
(77) PRESIDENTIAL ELECTORAL EX- PENSE, ESTIMATED		600.00
(78) PRINTING OF STATE AND COUNTY PRIVILEGE LICENSES, ESTIMATED ..		10,000.00
(79) BOARD OF EXAMINERS OF PSYCHOL- OGY:		
For transfer to Board of Examiners of Psychology for operation		1,600.00
(80) BUREAU OF PUBLICITY AND INFOR- MATION:		
(a) For operation of the Department:		
For salary of the Di- rector	20,533.00	
For other salaries	58,467.00	
For other expenses	63,000.00	
For equipment pur- chases	1,000.00	
For Ave Maria Grotto ..	12,500.00	
For Blue and Gray Football Game	10,000.00	
For Guntersville Boat Races	9,500.00	
For Lake Eufaula Pes- tival	10,000.00	
For Mobile Carnival Association	5,000.00	

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	For Mobile Junior Miss Pageant	25,000.00	
	For National Peanut Festival Association ..	10,000.00	
	For Spirit of America Festival, Inc.	5,000.00	
	For Alonzo Stagg Bowl	5,000.00	
	For Alabama Mountain Lake Association	20,000.00	
	For Gulf Shores Tourist Association	15,000.00	
	For The Chilton County Peach Festival	5,000.00	
	Total		275,000.00
(b)	Welcome Centers:		
	For salaries	125,000.00	
	For other expenses	35,000.00	
	For Bureau's share in constructing and equipping Welcome Centers	100,000.00	
	Total		260,000.00
(81)	DISTRIBUTION OF PUBLIC DOCUMENTS, ESTIMATED		30,000.00
(82)	TALLACOOSA MOUNTAIN LAKE ASSOCIATION		10,000.00
(83)	DEPARTMENT OF PUBLIC SAFETY:		
	For the salary of the Director	22,729.00	
	For other salaries	10,580,217.00	
	For other expenses	3,682,000.00	
	For Workman's Compensation Insurance, Est.	140,000.00	
	For equipment purchases ..	150,000.00	
	For automotive equipment purchases	750,000.00	
	Total		15,325,000.00
(84)	REGISTRATION OF VOTERS, ESTIMATED		450,000.00
(85)	REMOVAL OF PRISONERS:		
	For expenses incident to removal of prisoners, Estimated		75,000.00
(86)	DEPARTMENT OF REVENUE:		
	(a) For transfer to the Department of Revenue for the General Fund share of the cost of operating the Department		1,201,096.54
	(b) For Auto Title and Auto Theft Fund ..		500,000.00

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(c) Boards of Equalization:		
For salaries of the members and employees of the county boards of equalization	143,750.00	
For other expenses	4,000.00	
Total		147,750.00
(d) Equalization Fund		250,000.00
(This is the appropriation set out under Act No. 160, 3rd Special Session of the 1971 Alabama Legislature.)		
(87) RIVERBOAT ASSOCIATION, MONTGOMERY		25,000.00
(88) OFFICE OF SECRETARY OF STATE:		
(a) For operation of the Department:		
For the salary of the Secretary of State	22,959.00	
For other salaries	78,026.00	
For other expenses	29,250.00	
For equipment purchases	2,500.00	
Total		132,735.00
(b) Law Books Inventory:		
For salaries	9,000.00	
For other expenses	4,000.00	
For equipment purchases	2,000.00	
Total		15,000.00
(c) Uniform Commercial Code:		
For salaries	56,000.00	
For other expenses	28,000.00	
For equipment purchases	3,500.00	
Total		87,500.00
(89) SECURITIES COMMISSION:		
For salaries	104,000.00	
For other expenses	15,000.00	
For equipment purchases	5,000.00	
Total		124,000.00
(90) STATE'S SHARE OF SOCIAL SECURITY, ESTIMATED		1,200,000.00
(91) SOCIAL SECURITY ADMINISTRATION:		
For salaries	115,000.00	

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	For other expenses	19,000.00	
	For equipment purchases ..	2,000.00	
	Total		136,000.00
(92)	SOIL CONSERVATION COMMITTEE:		
	For salaries	46,122.00	
	For other expenses	71,778.00	
	For Watershed Planning Party	75,000.00	
	Water Conservation Dis- tricts	60,300.00	
	For equipment purchases ..	1,000.00	
	Total		254,200.00
(93)	SOUTHERN INTERSTATE NUCLEAR BOARD		11,057.00
(94)	WOMEN'S COMMISSION, ALABAMA ...		10,000.00
(95)	SPORTS HALL OF FAME BOARD (To carry out provisions of Act No. 225, 1967 Regular Session.)		25,000.00
(96)	ALABAMA STEER SHOW ASSOCIA- TION		10,000.00
(97)	TANNEHILL FURNACE AND FOUNDRY COMMISSION		50,000.00
(98)	TENNESSEE RIVER DEVELOPMENT AUTHORITY		10,000.00
(99)	TENNESSEE-TOMBIGEE WATERWAY DEVELOPMENT AUTHORITY (To carry out the provisions of Act No. 355, 1957 Regular Session, approved Au- gust 23, 1957.)		120,000.00
(100)	STATE TOXICOLOGIST:		
	For the salary of the State Toxicologist	26,252.00	
	For other salaries	420,748.00	
	For other expenses	80,000.00	
	For equipment purchases ..	25,000.00	
	For automotive equipment purchases	8,000.00	
	For Matching Federal Funds	60,000.00	
	Total		620,000.00
(101)	OFFICE OF THE STATE TREASURER:		
	For the salary of the State Treasurer	22,959.00	
	For other salaries	300,000.00	
	For other expenses	75,000.00	

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	For equipment purchases ..	12,000.00	
	For vault equipment purchases	3,000.00	
	Total		412,959.00
(102)	STATE TREASURER-PREVIOUS YEAR UNPAID WARRANTS, ESTIMTED ..		50,000.00
(103)	TRI-RIVERS DEVELOPMENT ASSOCIATION		30,000.00
(104)	COMMISSION ON UNIFORM STATE LAWS		4,000.00
	(Total amount appropriation by Act No. 926, Acts 1951, page 1575, for expenses, operation and contributions of Commission.)		
(106)	DEPARTMENT OF VETERANS AFFAIRS:		
	For the salary of the Service Commissioner	19,996.00	
	For other salaries	1,186,995.00	
	For other expenses	67,000.00	
	For equipment purchases ..	4,000.00	
	For contract with Veterans of Foreign War Organization	36,000.00	
	For contract with disabled American Veterans Organization	9,000.00	
	Automotive Equipment Purchases	16,000.00	
	Total		1,338,991.00
(107)	NATIONAL VETERANS DAY COMMITTEE, BIRMINGHAM, ALABAMA		3,000.00
(103)	VETERANS DAY COMMISSION, ALABAMA		1,500.00
(109)	VETERANS DAY COMMISSION, NATIONAL		1,500.00
(110)	WATERSHED CONSERVANCY DISTRICTS:		
	(1) Bear Creek Development Authority ..	35,000.00	
	(2) Choccolocco Watershed	4,000.00	
	(3) Crooked Creek Watershed	2,500.00	
	(4) Ketchepadrakee Watershed	2,500.00	
	(5) Big Nance Creek Watershed	2,500.00	
(111)	LAW ENFORCEMENT PLANNING AGENCY:		
	Diversion Investigating Unit	350,000.00	
	(Conditional upon the condition of the State Treasury and upon the approval of the Governor.)		

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(112)	TALLASSEEHATCHEE WATERSHED ..	2,500.00
(113)	Transfer to State Highway Department	13,500,000.00
	For Transfer to State Highway Department conditional upon the condition of the State Treasury and with the approval of the Governor	3,000,000.00
(114)	Pea River Historical and Genological Society of Enterprise	25,000.00
(115)	Agricultural and Industrial Exhibit Commission	
	For the construction of a Swine Pavilion	150,000.00
(116)	Interstate Mining Compact	4,500.00
(117)	Birmingham Festival of Arts	25,000.00
(118)	For Alabama Travel Council	15,000.00
B. DEBT SERVICE:		
(1)	For the payment of principal and interest due on bonds issued by Alabama State Hospitals and Partlow State School Bond Commission pursuant to Constitutional Amendment No. CXVIII	281,440.00
(2)	For interest on Spanish American War Veterans Fund, Estimated	294.86
(3)	For the payment of principal and interest due on bonds issued by State Parks and Inland Waterways, pursuant to Constitutional Amendment No. CXVI, Estimated	1,851,512.50
(4)	For the payment of principal and interest on bonds issued by the State Parks Development Authority pursuant to Constitutional Amendment as provided in Act No. 272, 1967 Regular Session, Estimated	771,495.00
(5)	For the payment of principal and interest due on bonds issued for the Space Exhibit Commission pursuant to Constitutional Amendment No. CCXXIV	227,480.00
(6)	For the payment of principal and interest due on bonds issued for the Tennessee-Tombigbee Waterway pursuant to Constitutional Amendment No. CCLXX as provided by in Act No. 248, 1967 Regular Session, Estimated	438,445.00
C. FROM FUNDS OTHER THAN GENERAL FUND:		
(1)	ALABAMA STATE BOARD OF PUBLIC ACCOUNTANCY:	
	For salaries, other expenses and equipment purchases	105,000.00

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In addition to the amount appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any applications for license which may have been rejected by the Board or withdrawn by request of applicant.

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama State Board of Public Accountancy Fund.

(2) AERONAUTICS DEPARTMENT:

(a) For the salary of the		
Director, Estimated ..	22,729.00	
For other salaries	70,000.00	
For other expenses	40,079.00	
For equipment purchases	1,000.00	
Total		133,808.00
(b) For State Aid to Airports—For Airports and Airmarkings		450,000.00

The above appropriation to Aeronautics Department shall be paid from the State Airports Development Fund as provided by Act No. 402, Acts 1945, page 620, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(3) COMMISSION ON AGING:

For salaries, other expenses, equipment purchases, automotive equipment purchases and contracts	175,000.00
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The above appropriation is payable from the funds transferred to this account in Item III A (4) of this Act. In addition to the above appropriation, any funds received for this work from the several counties, cities or the Federal Government are hereby appropriated.

(4) AGRICULTURE AND INDUSTRIES:

(a) For the salary of the		
Commissioner	22,959.00	
For other salaries	2,576,863.00	
For other expenses	910,000.00	
For equipment purchases	80,000.00	
For automotive equipment purchases	109,738.00	
For transfer to State Personnel Department	10,990.00	

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For transfer to Agriculture Center Board	54,450.00
For awarding prizes and premiums	20,000.00
For transfer to Telephone Revolving Fund	18,900.00
Total	3,803,900.00

The above appropriations are payable from funds in the Agricultural Fund and shall include the appropriations made to said fund in Item III A (5)(a). The above appropriations for other salaries, other expenses, equipment purchases and automotive equipment purchases shall be used for the operation and maintenance of the Department of Agriculture and Industries and for Bangs Disease Control, Disease of Swine, Swine Diagnostic Laboratory, Fire Ant Control, Pesticide Laboratory, Poultry Disease Control, White Fringed and Japanese Beetle Control, for inspection, grading and classification of fruits and vegetables, and any other services connected with the Operations of Agriculture and Industries in the State of Alabama.

Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000.00 shall be transferred to the State General Fund.

(b) Egg Inspection Division:

For salaries	66,000.00
For other expenses	14,550.00
For equipment purchases	1,000.00
For automotive equipment purchases	11,000.00
Total	92,550.00

The above appropriations are payable from funds in the Egg Inspection Fund and shall include the appropriations made to said fund in Item III A (5) (c).

(c) Meat and Poultry Inspection Division:

For salaries	990,000.00
For other expenses	255,000.00

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For equipment purchases 4,000.00

Total

1,249,000.00

The above appropriations are payable from the funds to the credit of the Meat and Poultry Inspection Fund and shall include the appropriation made herein in Item III A (5) (b).

(d) Plant Industry Division (Fire Ant Control):

For salaries, other expenses, equipment purchases and for purchase of insecticides and chemicals for control of the fire ant, estimated

250,000.00

The above appropriations are payable from the funds transferred to this account in Item III A (5) (d) of this Act. In addition to the above appropriation, any funds received for this work from the Federal Government and grants and contributions from other sources are hereby appropriated.

(e) Agriculture Center Board:

For salaries 36,036.00
For other expenses 9,100.00
For rental (Livestock Coliseum, Montgomery) 54,450.00

Total

99,586.00

The above appropriation to the Agriculture Center Board shall be paid out of the Agricultural Center Board Fund and includes the appropriation made to said fund as provided in Item III A (6) (a) and Item III C (4) (a).

(f) Livestock Coliseum:

For salaries 115,000.00
For other expenses 165,000.00
For equipment purchases 6,000.00
For repairs to Coliseum 25,000.00

Total

311,000.00

The funds hereinabove appropriated to the Agricultural Center Board for the Livestock Coliseum shall be paid out of the Livestock Coliseum Fund, and the appropriation herein above includes the appropriation made to said Fund as provided in Item III A (67).

(g) Shipping Point Inspection Fund:

There is hereby appropriated, out of receipts to the Shipping Point Inspection Fund (Act No. 26, Legislature of 1956, approved March 23, 1956). For Shipping Point Inspection work performed by the Department of Agriculture and Industries for the payment of salaries, other expenses, equipment purchases and automotive equipment purchases, all fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities.

(5) ALCOHOLIC BEVERAGE
CONTROL BOARD:(a) Administrative and
Stores Division:

For the salary of the Commissioner	22,500.00	
For other salaries	10,336,115.93	
For other expenses (Transportation cost for merchandise ex- cluded)	3,342,074.00	
For equipment pur- chases	223,043.00	
For automotive equip- ment purchases	5,000.00	
Awards for Convic- tions, estimated	1,000.00	
For transfer to State Personnel Dep art - ment	36,750.00	
For transfer to Mental Health Department	375,000.00	
For transportation cost on merchandise, esti- mated	490,193.00	
For transfer to Tele- phone Revolving Fund	11,340.00	14,843,244.93

In addition to the above appropriations herein made there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to

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the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

(b) Law Enforcement Division:

For salaries	1,520,060.00	
For other expenses	563,996.00	
For equipment purchases	34,000.00	
For automotive equipment purchases	160,000.00	
Total		2,278,056.00

The appropriations hereinabove made (a) and (b) to the Alcoholic Beverage Control Board are made from the gross proceeds derived from the sale of alcoholic beverages by the Alcoholic Beverage Control Board.

(c) Beer Tax and Licenses Division:

For salaries	629,388.00	
For other expenses	317,972.00	
For equipment purchases	4,500.00	
Total		951,860.00

In addition to the above appropriation it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum authorize the legal sale of malt and brewed beverages within such county or municipality, there is further appropriated, in addition to the amounts herein set out, an amount comparable to that expended during the prior fiscal year for

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beer and license tax supervision within counties or municipalities of of similar size and population. Provided, further, that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

(6) STATE BOARD OF REGISTRATION FOR ARCHITECTS:

For salaries	10,000.00
For other expenses	22,000.00
For equipment purchases ..	300.00

Total	32,300.00
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The above appropriation is payable out of funds in the State Treasury to the credit of the State Board of Registration for Architects pursuant to Title 46, Chapter 2, Code of Alabama 1940, as amended.

(7) ARMORY COMMISSION:

For equipment purchases	10,000.00
For automotive equipment purchases	5,000.00

For matching Federal Funds for the Construction and Renovations of Armories:

Elba	80,000.00
Enterprise	193,000.00
Gadsden	160,000.00
Guntersville	114,000.00
Jacksonville	134,000.00
Birmingham — Fort	
John C. Persons	250,000.00
Luverne Armory	75,000.00

(For construction of Luverne Armory 60,000.00 of the amount above and 15,000.00 for land acquisition)

Total	2,030,000.00
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The funds hereinabove appropriated to the Armory Commission shall be paid out of the funds in the State Treasury to the credit of Armory Commission and the appropriation hereinabove made includes the appropriation made for the care and maintenance of armories and construction as provided in Item III A(70)(d) in this Act. Provided, however, that the last Federal Government

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service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission at the end of the fiscal year in excess of \$50,000.00 shall be transferred to the State General Fund.

**(8) ALABAMA COUNCIL ON THE ARTS
AND HUMANITIES:**

For salaries, other expenses and equipment purchases	100,000.00
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The funds hereinabove appropriated to the Alabama Council on the Arts shall be paid out of the Council on the Fine Arts Fund and the appropriation hereinabove made includes the appropriation made in Item III A(11) of the Act.

(9) DEPARTMENT OF BANKING:

(a) Bureau of Banking:

For salaries, other expenses, equipment purchases and automotive equipment purchases, estimated	537,000.00
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The above appropriation shall be paid from the Banking Assessment Fees as provided in Act No. 373, 1965 Regular Session.

(b) Bureau of Credit Unions:

For salaries	69,667.00	
For other expenses	28,115.00	
For equipment purchases	1,000.00	

Total	98,782.00
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The above appropriation shall be paid from the Banking Department—Bureau of Credit Unions as provided in Act No. 2293, Regular Session 1971.

(10) DEPARTMENT OF BANKING—LOAN EXAMINATION FUND:

For salaries	230,000.00
For other expenses	65,000.00
For equipment purchases ..	500.00

Total	295,500.00
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The above appropriation shall be paid out of the Loan Examination Fund as provided in Act No. 374, 1959 Regular Session.

**(11) ALABAMA STATE BAR
ASSOCIATION:**

For salaries	100,000.00
For other expenses	135,000.00

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For equipment purchases .. 500.00

Total 235,500.00

The above appropriation is payable out of the funds in the State Treasury to the credit of the Alabama State Bar Association, pursuant to Title 46, Chapter 3, Code of Alabama 1940.

(12) ALABAMA BICENTENNIAL COMMISSION:

For salaries and expenses 30,000.00

The above appropriation is payable out of the funds to the credit of the Alabama Bicentennial Commission Fund and shall also include the appropriation in Item III A (19).

(13) STATE BOARD OF CHIROPRACTIC EXAMINERS:

For salaries 3,000.00
For other expenses 7,700.00

Total 10,700.00

The above appropriation shall be paid out of the State Board of Chiropractic Examiners Fund as provided in Act No. 108, 1959 Regular Session.

(14) CONSERVATION DEPARTMENT:

(a) Administrative Division:

For salary of the Director	22,728.94	
For other salaries	498,079.90	
For other expenses	312,172.00	
For equipment purchases	8,000.00	
For transfer to Personnel Department	17,010.00	
For transfer to telephone revolving Fund	7,560.00	
	865,550.84	

The above appropriations shall be paid out of the Department of Conservation-Administrative Fund and includes the appropriations made to this Division as provided in this section.

(In addition to the monies hereinabove appropriated to the Administrative Division there is hereby conditionally appropriated to the Administrative Division conditioned upon the passage of legislation increasing vessel registration fees.)

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For other salaries and expenses	60,000.00	
(b) Game and Fish Division:		
For salaries	2,953,643.00	
For other expenses	1,384,363.00	
For equipment purchases	198,000.00	
For automotive equipment purchases	232,140.00	
For transfer to Conservation Department — Administrative Account	339,505.81	
For transfer to Telephone Revolving Fund	7,380.00	
Total		5,115,031.81
The funds hereinabove appropriated to the Game and Fish Division shall be paid out of the Game and Fish Fund.		
(c) State Lands Division:		
1. For salaries	85,000.00	
For other expenses	30,000.00	
For equipment purchases	5,000.00	
For transfer to Conservation Department - Administrative Account	14,000.00	
		134,000.00
The funds hereinabove appropriated to the State Lands Division shall be paid out of the State Lands Division Fund.		
2. In addition to the above appropriation, there is also hereby appropriated from the State Lands Division Fund to the Lands Division for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas		125,000.00
(d) Marine Police Division:		
For salaries	646,051.00	
For other expenses	274,000.00	
For equipment purchases	90,000.00	
For automotive equipment purchases	70,000.00	
For transfer to Conservation Department - Administrative Account	126,101.00	
Total		1,206,152.00

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The funds hereinabove are appropriated to the Marine Police Division of Marine Police Fund.

In addition to the monies hereinabove appropriated there is hereby conditionally appropriated from the Marine Police Fund to the Marine Police Division conditioned upon the passage of legislation to increase vessel registration fees.

For salaries	80,200.00
For other expenses	53,100.00
For equipment purchases	64,000.00
For automotive equipment purchases	27,900.00
For transfer to Conservation Department - Administrative Account	60,000.00
Capital Outlay	
For access areas	270,500.00
For aids to navigation	45,000.00

Total	600,700.00
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(e) Marine Resources Division:

For salaries	365,000.00
For other expenses	165,000.00
For equipment purchases	15,000.00
For automotive equipment purchases	15,000.00
For transfer to Conservation Department - Administrative Account	55,000.00
For Gulf State Marine Fisheries Commission	5,000.00

Total	620,000.00
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In addition to the monies hereinabove appropriated, all monies derived from contracts, grants, other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated to the Division of Marine Resources and may be expended by the Director of Conservation on such Marine Resources Division Programs or projects which he deems appropriate. The funds hereinabove appropriated to the Marine Resources Division shall be paid out of the Marine Resources Fund.

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In addition to the monies hereinabove appropriated there is hereby conditionally appropriated from the Marine Resources Fund to the Marine Resources Division conditioned upon the passage of legislation providing for a saltwater sport fishing license.

Capital Outlay

For access areas	75,000.00
For artificial reefs	20,000.00

Total	95,000.00
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(f) State Parks Division:

For salaries, other expenses, equipment, purchases, automotive equipment purchases, capital outlay and for transfer to Conservation-Administrative Account, Estimated	1,086,000.00
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(Provided, however, of the amount appropriated hereinabove no less than \$100,000.00 shall be expended for operation and maintenance of Tannehill State Park.)

The funds hereinabove appropriated to the State Parks Division shall be paid out of the State Parks Fund. The funds hereinabove appropriated shall include the appropriations made in Item IIIA (25) in this Act.

**(15) STATE LICENSING
BOARD FOR GENERAL
CONTRACTORS:**

For salaries	77,000.00
For other expenses	42,000.00
For equipment purchases ..	7,800.00

Total	126,800.00
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In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

The above appropriations are payable out of the funds in the State Treasury to the State Licensing Board for General Contractors pursuant to Title 46, Chapter 4, Code of Alabama 1940.

(16) BOARD OF CORRECTIONS:

For the salary of the Commissioner	23,866.00
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For other salaries	5,803,655.00	
For other expenses	3,300,000.00	
For equipment purchases ..	150,000.00	
For automotive equipment purchases	100,000.00	
For Debt Service, esti- mated	60,000.00	
For transfer to the State Personnel Department ..	21,560.00	9,459,081.00

The funds hereinabove appropriated to the Board of Corrections shall be paid out of the Board of Corrections Fund and the appropriation hereinabove made includes the appropriation made to the said fund as provided in Item III A(26) of this Act. Provided, however, the Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriate, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

(17) ALABAMA BOARD OF
COSMETOLOGY:

For salaries	96,941.00	
For other expenses	85,000.00	
For equipment purchases ..	5,000.00	
For construction of build- ing	75,000.00	261,941.00

The above appropriations shall be payable from the funds in the State Treasury to the credit of the Alabama Board of Cosmetology pursuant to provisions of Act No. 653, 1957 Regular Session.

(18) DAIRY COMMISSION:

For salaries	177,570.00	
For other expenses	100,000.00	
For cost study	20,000.00	
For equipment purchases ..	1,500.00	299,070.00

The above appropriations shall be paid out of the Dairy Commission Fund as is provided in Title 22, Chapter 7, Code of Alabama 1940.

(19) ALABAMA DEVELOPMENT OFFICE:

For salaries, other expenses, equipment purchases, automotive equipment pur- chases, national advertising and indus- trial promotion and contracts, esti- mated	2,561,000.00
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The above appropriations shall be paid from Alabama Development Office Fund and shall include appropriations made in Item III A (31) of this Act. All gifts, grants, contributions or other appropriations received by the Alabama Development Office from whatever source are hereby appropriated.

(20) **ALABAMA STATE DOCKS BOARD:**

For transfer to the State Personnel Department 3,640.00

The above appropriations shall be paid from income, receipts and revenues derived from the operations of the Alabama State Docks Board.

(21) **STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS:**

For salaries	60,400.00	
For other expenses	45,000.00	
For investigations and court costs	15,000.00	
For equipment purchases ..	500.00	
Total		120,900.00

The above appropriations are payable out of funds in the State Treasury to the credit of the Professional Engineers Fund as provided in Title 46, Chapter 7, Code of Alabama 1940, as amended.

(22) **ALABAMA ETHICS COMMISSION:**

For operations of the Alabama Ethics Commission, estimated 136,000.00

The above appropriations are payable out of funds in the State Treasury to the credit of the Alabama Ethics Commission and shall include the appropriation herein made in Item III A (37) of this Act.

(23) **FARMERS MARKET AUTHORITY:**

For salaries	31,559.00	
For other expenses	13,841.00	
Total		45,400.00

The above appropriations shall be paid from the funds in the State Treasury to the credit of the Farmers Market Authority and shall include the appropriation herein made in Item III A (39) of this Act.

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(24) DEPARTMENT OF FINANCE:**Data Systems Management:**

For operations of Data Systems Management

150,000.00

The above appropriations shall be paid from the Data Systems Management Fund and shall include the appropriation herein made in Item III A (41) (e) of this Act.

(25) FIRE MARSHALL FUND:

For salaries 100,000.00
For other expenses 85,000.00
For equipment purchases .. 2,500.00

Total

187,500.00

The above appropriations shall be paid from the Fire Marshall fund as provided in Act 1938, 1971 Regular Session.

(26) STATE FORESTRY COMMISSION:

For salaries 3,800,000.00
For other expenses 902,065.00
For equipment purchases .. 150,000.00
For automotive equipment purchases 73,755.00
For transfer to State Personnel Department 12,180.00
For transfer to Tel. Revolving Fund 19,440.00

4,957,440.00

The funds hereinabove appropriated to the Forestry Commission shall be paid out of the Forestry Fund and the appropriations made to the said fund as provided in Item III A (43) of this Act. It is provided that in the event receipts into the Forestry Fund from County appropriations exceed the sum of \$500,000.00, then such excess is hereby appropriated. It is further provided that in the event receipts into the Forestry Fund from Federal Funds exceed the sum of \$793,000.00, then such excess is hereby appropriated. In the event of an emergency, so determined by the Director of the Forestry Commission and the Governor, the Director of the Forestry Commission with the approval of the Governor is hereby authorized to meet such emergency by transferring to and from any item of expenditure herein appropriated for use by the Forestry Commission.

(27) STATE BOARD OF REGISTRATION FOR FORESTERS:

For other expenses 7,305.00

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For equipment purchases .. 700.00

Total 8,005.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the Professional Foresters' Fund.

(28) **LICENSING BOARD FOR
THE HEALING ARTS:**

For salaries 46,318.00

For other expenses 14,250.00

For equipment purchases .. 15,000.00

Total 75,568.00

The above appropriations are payable out of the funds in the State Treasury to the credit of the Licensing Board for the Healing Arts.

(29) **HEALTH DEPARTMENT:**

(a) Health Department:

For salaries, other expenses, equipment purchases and transfers for County Health Work, estimated 1,656,785.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 654, 1965 Regular Session.

(b) Health Department:

For salaries, other expenses, equipment purchases, and transfers for County Health Work, estimated 2,121,300.00

The above appropriations are payable from the funds transferred to this account from the General and Mental Health Fund as provided in Act No. 275 1967 Regular Session.

(c) County Health Work:

For salaries, other expenses, and equipment purchases, estimated .. 2,869,000.00

The above appropriations are payable from any funds transferred to this account in Item III A (52) (a) and funds transferred in Item III C (29) (a) and Item III C (29) (b) in this Act. In addition to the above appropriation, and funds received for this work from the several counties or the Federal Government are hereby appropriated.

(d) Ambulance Operators (Emergency Medical Services):

For salaries, other expenses and equipment purchases, estimated 55,650.00

The above appropriations are payable from the funds in the Emergency

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Medical Services Fund as provided in Act No. 1590, 1971 Regular Session and shall include any funds transferred to this account in Item III A (52) (a) of this Act.

(e) Hearing Aid:

For salaries	2,867.00
For other expenses	9,150.00
For equipment purchases	600.00

Total	12,617.00
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The above appropriations are payable from the funds in the Hearing Aid Fund as provided in Act No. 2425, 1971 Regular Session.

(f) Hospital Licensing:

For salaries and other expenses, estimated	37,500.00
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The above appropriations are payable from funds in the Hospital Licensing Fund and the total expenditures shall in no manner exceed the amounts hereby appropriated and appropriation herein above made shall include any funds transferred in Item III A (52) (a) in this Act.

(g) Indigent Care:

For salaries and for distribution to patients estimated	337,442.00
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The above appropriations are payable from any funds transferred to this account in Item III A (52) (a) of this Act. In addition to the above appropriation, any funds received for this work from the several counties or the Federal Government are hereby appropriated.

(h) Medicaid:

For the operation of the Medicaid Program	50,600,000.00
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The above appropriations are payable from the fund transferred to this account in Item III A (52) (b) of this Act. In addition to the above appropriations, any and all funds received to the credit of the Medicaid Program from whatever source including all funds received from the Federal Government are hereby appropriated. (Provided no more than 10% override of $\frac{1}{4}$ of budget can be spent in the first quarter, 5% override in the second quarter. Budget must be balanced third and fourth quarters. Funds can be carried over from quarter to

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quarter and no funds will lapse if
not spent in any quarter.)

(i) **Bureau of Vital Statistics:**

For salaries, other expenses and
equipment purchases, estimated 410,000.00

The above appropriations are payable
from the funds in the Vital Statistics
Fund and shall include any funds
transferred to this account in Item
III A (52) (a) of this Act.

(j) **Water Plant Operators Certifications:**

For expenses and equipment pur-
chases 4,250.00

The above appropriations are payable
from the funds in the Water Plant
Operators Certifications Fund as
provided in Act No. 1594, 1971 Reg-
ular Session.

(k) **Water Well Standards Board, Ala-
bama:**

For salaries, other expenses and
equipment purchases 48,933.00

The above appropriations are payable
from the Water Well Standards
Board Fund as provided in Act No.
1516, 1971 Regular Session.

(30) **THE OFFICE OF HIGHWAY AND TRAF-
FIC SAFETY:**

For salaries, other expenses, and equip-
ment purchases 75,000.00

The above appropriations are payable
from the funds transferred to this ac-
count in Item III A (54) of this Act. In
addition to the above appropriation, any
funds received for this work from the
several counties, cities or the Federal
Government are hereby appropriated.

(31) **ALABAMA HISTORICAL COMMIS-
SION:**

For operations of the Alabama Historical
Commission 264,720.00

(Of the amount above \$85,000.00 shall be
expended for the completion of Consti-
tutional Hall at Huntsville and \$35,000.00
for purchase and/or preservation of
Steverson Depot in Jackson County,
Alabama.)

The above appropriations shall be paid
from the Alabama Historical Commis-
sion Fund transferred to this account in
Item III A (55) of this Act. All gifts,
grants, contributions or other appropria-
tions received by the Alabama Historical
Commission from whatever source are
hereby appropriated.

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(32) DEPARTMENT OF INDUSTRIAL RELATIONS:

For the salary of the Director, estimated ..	22,694.00
For transfer to the State Personnel Department	35,420.00
For transfer to Telephone Revolving Fund	159,536.00
For other salaries and expenses incident to the operation and management of the Department; for U.S. Employment Service, U.S. Unemployment Compensation, and for such other funds, services and operations for which the United States Government may provide monies; there is hereby appropriated. In addition to the amounts appropriated herein in Item III A (58) all such sums as the United States Government may make available therefor.	

(33) STATE INSURANCE FUND:

For salaries	161,470.00
For other expenses	53,331.00
For equipment purchases ..	3,000.00
For automotive equipment purchases	5,000.00
Total	222,801.00

The above appropriations are payable from the State Treasury to the credit of the State Insurance Fund, pursuant to Title 28, Section 325, Code of Alabama 1940.

(34) LAW ENFORCEMENT FUND **10,000.00**

The above appropriations shall be paid from the proceeds deposited to the credit of the Law Enforcement Fund pursuant to Title 29, Section 251, Code of Alabama 1940, as amended, and the expenditures authorized from such funds are limited to the amount appropriated herein.

(35) LIQUEFIED PETROLEUM GAS BOARD:

For salary of Director, estimated	18,018.00
For other salaries	35,582.00
For other expenses	17,000.00
For equipment purchases ..	1,000.00
Total	71,600.00

The above appropriations shall be paid from receipts paid into the Liquefied Petroleum Gas Fund.

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(36) BOARD OF NURSES' EX-AMINERS AND REGISTRATION:

For salaries	123,270.00
For other expenses	95,000.00
For equipment purchases ..	2,500.00
For automotive equipment purchases	4,000.00

Total	224,770.00
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The above appropriations are payable out of the funds in the State Treasury to the credit of the State Board of Nurses' Examiners and Registration as provided in Title 46, Chapter 10, Code of Alabama 1940, as amended.

(37) BOARD OF NURSING HOME ADMINISTRATION:

For expenses incident to the operation and maintenance of the Board of Nursing Home Administration, estimated	23,600.00
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The above appropriations shall be paid from receipts paid into the Board of Nursing Home Administration Fund.

(38) PEACE OFFICERS ANNUITY BENEFIT FUND, ALABAMA:

For salaries	81,321.00
For other expenses	39,200.00
For equipment purchases ..	3,000.00

Total	123,521.00
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The above appropriations shall be paid from the Peace Officers Annuity and Benefit Fund as provided in Act No. 1210, 1971 Regular Session.

(39) PENSIONS:

(a) For Confederate Veterans and their widows:

Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows. The above appropriation shall be paid out of the proceeds from the levy of the one mill tax as provided by Title 51, Section 19, Code of Alabama 1940.

(40) DEPARTMENT OF PENSIONS AND SECURITY:

For the salary of the Commissioner, estimated	22,694.00
For transfer to the State Personnel Department	106,120.00
For transfer to Tele. Revolving Fund	126,496.00
For other salaries, expenses, equipment purchases and automotive equipment	

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purchases incident to the operation and management of the Department for all welfare purposes as provided by law, there is hereby appropriated. In addition to the amounts set out in Item III A (73), all Federal, State, County and Municipal Funds made available therefor.

(41) PERSONNEL DEPARTMENT:

For the salary of the Director, estimated	22,605.25	
For other salaries	440,000.00	
For other expenses	145,244.75	
For equipment purchases ..	17,150.00	
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Total		625,000.00

The above appropriations shall be paid from funds transferred to, or received by, the State Personnel Department provided in this or any other Act.

(42) BOARD OF EXAMINERS OF PSYCHOLOGY:

For salaries, other expenses, and equipment purchases, estimated	2,640.00
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The above appropriations shall be paid from the receipts paid into the Board of Examiners of Psychology Fund and shall include the appropriation made in Item III A (73) of this Act.

(43) BUREAU OF PUBLICITY AND INFORMATION:

For salaries	85,070.00	
For other expenses	79,600.00	
For equipment purchases ..	4,000.00	
For automotive equipment purchases	5,000.00	
For advertising	650,000.00	
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Total		823,670.00

The above appropriations shall be paid from the receipts collected under the provisions of Act No. 269, 1963 Regular Session.

(44) PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100.00) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Sections 257, 258 and 260 of the Constitution of 1901; and the amount appropriated from all other

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funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

(45) **PUBLIC SERVICE COMMISSION:**

For salary of the President and Two Associate Commissioners	62,085.00	
For other salaries	1,100,000.00	
For other expenses	329,000.00	
For equipment purchases	20,000.00	
For automotive equipment purchases	30,000.00	
For transfer to telephone Rev. Fund	16,740.00	1,557,825.00

The above appropriations to the Alabama Public Service Commission shall be payable only out of inspection and supervision fees paid by utilities and transportation companies, and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission at the end of the fiscal year in excess of \$300,000.00 shall be transferred to the State General Fund.

(46) **ALABAMA REAL ESTATE COMMISSION:**

For salaries	125,000.00	
For other expenses	75,000.00	
For equipment purchases ..	10,000.00	
Total		210,000.00

The above appropriations shall be paid out of the receipts to the Alabama Real Estate Fund as provided in Title 46, Chapter 14, Code of Alabama 1940, as amended, and the total expenditures shall in no manner exceed the amounts hereby appropriated.

(47) **DEPARTMENT OF REVENUE:**

Auto Title and Auto Theft Fund: For expenses incident to the operations of the Auto Title and Auto Theft Act, estimated	500,000.00
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The above appropriation shall be paid from funds in the State Treasury to the credit of the Auto Title and Auto Theft Fund and shall include the appropriation made in Item III A (86) (b).

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(48) DEPARTMENT OF REVENUE:

For the Administrative Account of the Department of Revenue there is hereby transferred from the General Fund and appropriated as provided in Item III A (86) (a) of this Act	1,201,096.54
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Financial Institution Excise Tax collections as part of the cost of operating said Department	124,416.37
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Forest Severance Tax Collections as part of the cost of operating said Department	126,809.00
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Gasoline Tax Collections as part of the cost of operating said Department	832,632.66
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Income Tax Collections for the cost of collecting said tax ..	2,765,871.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Fuel Tax Collections as part of the cost of operating said Department ..	480,917.14
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections as part of the cost of operating said Department	486,898.70
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax	148,342.60
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax	367,267.57
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Sales Tax Collections as part of the cost of operating said Department	3,848,533.43
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Tobacco Tax Collections as part of the cost of operating said Department....	793,154.39

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There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of the Utility Tax Collections as provided in Act No. 37, 1969 Special Session	247,636.44
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Use Tax Collections as part of the cost of operating said Department	379,230.68
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Cigarette Tax Collections Act 275, 1967 Regular Session as part of the cost of operating said Department	160,305.71
There is hereby appropriated for transfer to Revenue Department, Administrative Account from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags	1,552,500.00

(49) DEPARTMENT OF REVENUE - ADMINISTRATIVE ACCOUNT:

For salary of Commissioner	22,728.94	
For other salaries	7,958,254.00	
For other expenses, estimated	2,497,600.00	
For equipment purchases ..	30,000.00	
For automotive equipment purchases	22,000.00	
For transfer to State Personnel Department	24,780.00	
For transfer to Telephone Revolving Fund	29,160.00	
Total		10,584,522.94

The amounts hereinabove appropriated for the cost of maintenance and operation of the Department of Revenue are in lieu of any other statutory provision for the payment of the cost of operating said Department or collection of the taxes as authorized by law. Provided, however, in addition to the amount, hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

(50) STATE BOARD OF REGISTRATION FOR SANITARIANS:

For salaries	1,200.00
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For other expenses ----- 1,900.00

Total ----- 3,100.00

The above appropriations shall be paid from the receipts collected under the provisions of Act No. 209, 1964 Second Special Session.

The appropriations hereinabove made shall be paid from the funds transferred from the Alcoholic Beverage Control Board to the Education Department.

(52) ALABAMA THERAPIST
BOARD:

For expenses ----- 6,700.00
For equipment purchases .. 200.00

Total ----- 6,900.00

The above appropriations shall be paid from receipts paid into the Alabama Therapist Board Fund.

(53) STATE BOARD OF VET-
ERINARY MEDICAL
EXAMINERS:

For salaries ----- 100.00
For other expenses ----- 11,500.00
For equipment purchases .. 400.00

Total ----- 12,000.00

The above appropriations are payable from the funds in the State Treasury to the credit of the State Board of Veterinary Medical Examiners, pursuant to the provisions of Act No. 945, approved September 13, 1951.

(54) UNIVERSITY OF ALABAMA—BIRM-
INGHAM MEDICAL CENTER:

For constructing, operating and maintain-
ing a school or college of Optometry,
estimated -----

15,000.00

The above appropriations shall be paid from the funds in the State Treasury to the credit of the Optometry Trust Fund.

(55) (1) BOARD OF TRUSTEES OF UNIVER-
SITY OF ALABAMA:

(a) For the University of Alabama in
Birmingham for salaries, stip-
ends and scholarships in Psy-
chiatry; for the training of pro-
fessional Mental Health person-
nel and psychiatric nurses, and
state indigent mental patients ..

2,200,000.00

(b) Center for Learning disorders for
Mental Retardation -----

100,000.00

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(2) TO STATE MENTAL HEALTH DEPARTMENT:

- (a) For operation and maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals 32,122,872.46
- Conditional upon the condition of the fund and upon the approval of the Governor 3,900,000.00
- (b) For operation and maintenance of Community Mental Health Programs 6,650,000.00

- (3) For payment of principal and interest due on bonds issued by the University of Alabama pursuant to Constitutional Amendment CXLI 209,910.20

(The appropriations hereinabove made in Items 1, 2, 3 shall be paid from the funds deposited in the State Treasury to the credit of the Special Mental Health Fund.)

(4) STATE DEPARTMENT OF MENTAL HEALTH:

- For transfer to the State Personnel Department 151,410.00
- For transfer to Telephone Revolving Fund 186,440.00
- For support, maintenance and capital expenditures the several sums appropriated in Item 4 of sub-section (55) and the amounts provided in Act No. 654, 1965 Regular Session and Act No. 275, 1967 Regular Session and the Education Appropriation Bill are hereby appropriated. Expenditures to be made at the direction of the Alabama Mental Health Board.

(56) HIGHWAY DEPARTMENT:

(1) There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highway and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

(2) There are also appropriated, out of the revenues accruing to the State Highway Department, the following sums for the following purposes:

- (a) For transfer to the State Personnel Department 139,580.00
- (b) For the administration of the State Highway Department for salaries and other expenses 5,600,000.00

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(c) For operation of the State Highway Department, for salaries and other expenses	505,000.00
(d) For supervision of the State Highway Department, for salaries and other expenses ..	9,563,000.00
(e) For equipment purchases, Road Machinery and Equipment	7,000,000.00
(f) For Equipment Purchases—Other Equipment	500,000.00
(g) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses	31,334,991.50
(h) For the purchase or construction of land and building for the operation of the Highway Department	1,500,000.00
(i) For the maintenance of roads and bridges in the State Highway System, for salaries and other expenses, conditional upon the release of any of the conditional appropriations contained in Section 2, III, A (113) of this Act	3,000,000.00
(j) To establish a Revolving Fund for Inventories, Manufacturing, and clearing accounts	4,500,000.00
(k) For transfer to the Telephone Revolving Fund	112,808.00

(3) There are also appropriated, out of the proceeds from the sale of bonds that may hereafter be issued for public highway and bridge purposes, or either, by the State of Alabama or by Alabama Highway Authority of the revenues accruing to the State Highway Department, the following sums for the following purposes.

(a) For matching Federal Funds	39,000,000.00
(b) For construction of feeder roads and other portions of, or work in respect to, Federal Aid Projects for which portions or work Federal Matching Funds are not available ..	3,000,000.00
(c) For construction of roads and bridges for which no matching funds are available	7,995,037.50

The Highway Director with the consent of the Governor and the Budget Officer shall have the authority to transfer any appropriation or any portion thereof between and among sub-sections (a), (b), (c) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

(4) In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable:

(a) In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made in Section 1 hereof shall be paid in full:

(2) the appropriations made in Section 2 hereof shall be paid in full:

(3) the appropriations from the revenues accruing to the Highway Department that are herein made for the purposes referred to in

Section 3 hereof shall be allocated among the purposes referred to in the said Section 3 in such order and with such priorities as the State Highway Director shall from time to time direct; and

(5) The funds appropriated in Section 3 hereof, for the matching of Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purposes for which such appropriation was made.

(6) In addition to the appropriations hereinabove made there is hereby appropriated to the State Highway Department the funds accruing thereto from the so-called "Captive Counties" for road and bridge construction and maintenance, and for salaries, other expenses, equipment purchases, and automotive equipment purchases related thereto to be expended only for the benefit of the particular county or counties from which such revenues are derived.

(7) In addition to all appropriations hereinabove made, there is hereby appropriated to the State Highway Department all Federal funds accruing thereto to be expended only for the purposes for which such funds are made available.

(8) Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, the Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

(57) ALABAMA SPECIAL EDUCATIONAL
TRUST FUND:

There are also appropriated, out of the revenues accruing to the Alabama Special Educational Trust Fund the following sums for the following purposes:

(1) UNIVERSITY OF ALABAMA-UNIVERSITY HOSPITAL & CLINICS:

For operation and maintenance 2,000,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the law of the State of Alabama to underwrite health and accident insurance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Hospital and Clinics for patient care services.)

(2) UNIVERSITY OF SOUTH ALABAMA-UNIVERSITY MEDICAL CENTER:

For operation and maintenance 500,000.00

(Provided that insurance companies, whether operated for profit or not for profit, licensed under the laws of the State of Alabama to underwrite health and accident insur-

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ance, are hereby prohibited from applying or taking into account in any manner whatsoever any portion of this appropriation in determining reimbursement to University Medical Center for patient care services.)

- (3) For transfer to State Department of Mental Health to be expended by the State Department of Mental Health to educate, train and rehabilitate persons under the care and control of the State Department of Mental Health who have emotional and psychological problems or mental deficiencies requiring such special education, training and rehabilitation at Partlow State School and Hospital and other institutions where such persons reside 19,000,000.00
- (4) For transfer to the State General Fund 9,957,000.00

Section 3. That any surplus remaining in any appropriation herein made from the General Fund for the payment of salaries in any office department, bureau, board, commission, or other agency after provision has been made for the payment of all salaries in that office, department, bureau, board, commission, or other agency for which the appropriation is made, may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund for the payment of all salaries in any office department, bureau, board, commission, or other agency when the appropriation herein made from the General Fund for the payment of salaries in that office, department, bureau, board, commission, or other agency is insufficient to pay all the salaries in that office, department, bureau, board, commission or other agency according to the pay plan recommended by the Personnel Board, and approved by the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except for those appropriations designated as "estimated", and all appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940.

Section 5. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other educational or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which it now or may hereafter be authorized to receive, collect or disburse.

Section 6. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties, to any department, division, board,

bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. There is hereby appropriated the following amounts which are anticipated to be received by the State of Alabama during the period October 1, 1975, through September 30, 1976, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, 1972.

A. Parks:

For operation and maintenance of the Parks System	2,250,000.00
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B. Mental Health	8,000,000.00
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C. Transportation	15,000,000.00
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D. Board of Corrections: For operations	5,000,000.00
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E. Economic and Community Development	1,500,000.00
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F. General Government	2,205,972.00
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The appropriations made in this sub-section shall not revert or lapse but shall remain available for the purposes for which the appropriations were made.

In the even that the amount of funds annually received is greater than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct the excess over the anticipated entitlement in such order and with such priorities as he deems proper.

In the event that the amount of funds actually received is less than the anticipated grants or entitlements under the State and Local Fiscal Assistance Act of 1972, the Governor may direct such reductions in amounts herein appropriated as he deems proper.

Any unappropriated balances from the previous fiscal years or interest heretofore or hereafter earned from investments of funds received as grants or entitlement under the State and Local Fiscal Assistance Act of 1972, are hereby appropriated for such purpose or purposes as the Governor deems necessary.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent for any office space on any contract, lease, purchase, or agreement made prior to September 30, 1975 for such items, unless approved or re-approved on or after October 1, 1975, by the Division of Data System Management and the Director of Finance.

Section 9. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 10. That all laws and parts of laws, general, special, private, or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 11. That this Act shall become effective October 1, 1975.

MOTION TO ADOPT CONFERENCE COMMITTEE REPORT

Mr. Merrill offered the motion that the House concur in and adopt the Report of the Committee on Conference to reconcile the disagreement of the two Houses on the Senate amendment to the bill, H. 490, said report being set out in the above and foregoing Report of the Committee on Conference.

MOTION TO NON-CONCUR TABLED

On motion of Mr. Merrill, the motion offered by Mr. Johnson that the House non-concur in the Report of the Committee on Conference was tabled.

Yeas 41; Nays 59.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Callahan, Campbell, Carter, Cates, Clark, Coburn, Crowe, Dial, Falkenburg, Gafford, Harris, Higginbotham, Hines, Jackson (F), Killian, Kinsey, McCluskey, McMillan, Manley, Merrill, Mitchem, Moore (W), Morris, Owens, Pegues, Rich, Sandusky, Sasser, Shelton, Smith (J), Smith (M), Sonnier, Sparks, Waggoner, Weeks, White and Williams.

—41

Nays:

~~McNair, Malone, Martin, Moore (O), Naramore, Plaster, Porter, Reed, Riddick, Roberts, Smith (B), Smith (C), Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Whatley and Wyatt.~~
Albright, Andrews, Barron, Boles, Brindley, Carothers, Cooper, Cross, Drake, Edwards, Fomali, Ford, Goss, Grodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McNair, McNees, Malone, Martin, Moore (O), Naramore, Plaster, Porter, Reed, Riddick, Roberts, Smith (B), Smith (C), Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Warren, Whatley and Wyatt.

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RECESS

On motion of Mr. McCorquodale, the House recessed until 5:30 o'clock p.m.

HOUSE RECONCENED

The hour of 5:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTION

The following resolution was introduced:

By Mr. Biddle:

H. R. 420. WHEREAS, On October 2, 1964, Judy C. Hill became Mrs. Richard Gregg, and

WHEREAS, they have lived together thereafter, and

WHEREAS Mrs. Richard Gregg did not know of the trials and tribulations that she would have to put up with by marrying Richard Gregg, and

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WHEREAS, the power of love has justified their marriage of eleven years,

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That we commend Mrs. Richard Gregg for her perseverance.

On motion of Mr. Biddle, the rules were suspended and the resolution, H. R. 420, was adopted.

H. 490 TEMPORARILY CARRIED OVER

On motion of Mr. Manley, consideration of the Report of the Committee on Conference on the bill, H. 490, was temporarily carried over.

MOTION TO RECONSIDER

Having voted on the prevailing side, Mr. Johnstone offered the motion to reconsider the vote by which the bill, S. 795 as amended, was passed.

MOTION TO RECONSIDER TABLED

On motion of Mr. Owens, the motion offered by Mr. Johnstone to reconsider the vote by which the bill, S. 795 as amended, was passed, was tabled.

Yeas 58; Nays 31.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Clark, Coburn, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Goodwin, Greer, Higginbotham, Holley, Hopping, Jackson (F), Jolly, Kelley, Kinsey, Lee, Lewis, McCluskey, McMillan, Manley, Martin, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Teague, Venable, Waggoner, Warren, White, Williams and Wyatt.

—58

Nays:

Messrs.: Albright, Boles, Cates, Cooper, Glass, Hall, Harris, Harrison, Hill, Hilliard, Hines, Howard, Jackson (R), Johnstone, Kennedy, Killian, LeFlore, Leonard, Lockett, Lutz, McCulley, McNair, Malone, Porter, Reed, Riddick, Smith (J), Sonnier, Taylor, Tucker and Whatley.

—31

REPORT OF THE CONFERENCE COMMITTEE

We, the committee of conference appointed to reconcile the differences between the two houses concerning House Bill 1517 have met and considered the matter referred and beg leave to report as follows:

Amend House Bill 1517 on page 1, Section 1, line 33, after the word "county." by adding a new sentence to read:

The \$100,000.00 ceiling shall be removed beginning October 1, 1977.

Further amend on page 1, Section 1, line 24, after the word "pay" by striking the words and inserting in lieu thereof the words each year in twelve monthly installments.

And further amend on page 1, Section 1, line 28, after the word "tax" by adding the following:

, to the Mobile County Board of Health

Conferees on the part of the House
H. L. Callahan
Nat Sonnier
John McMillan

Conferees on the part of the Senate
L. D. Owen
L. W. Noonan
Bill Roberts

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Callahan, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 1517, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Hall, Harris, Higginbotham, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 79; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Boles, Brindley, Callahan, Campbell, Carter, Cates, Clark Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Hall, Harris, Hill, Hines, Holley, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton,

Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—79

REPORT OF THE CONFERENCE COMMITTEE

We, the committee of conference appointed to reconcile the differences between the two houses concerning House Bill 784, have met and considered the matter referred and beg leave to report as follows:

Amend House Bill 784, by deleting the Senate Local Legislation No. 1 Committee Amendment in its entirety.

Conferees on the part of the House
Douglas I. Johnstone
Cain J. Kennedy
J. Gary Cooper

Conferees on the part of the Senate
L. W. Noonan
Mayer W. Perloff
Bill Roberts

CONFERENCE COMMITTEE REPORT ADOPTED

On motion of Mr. Johnstone, the House concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 784, said report being set out in the above and foregoing Report of the Committee on Conference.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams, and Wyatt.

—83

And the bill:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass,

Goodwin, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Hopping, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C,) Smith (M), Sonnier, Starkey, Trammell, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—80

SPECIAL ORDER RESUMED

And the bill:

S. 755. To amend Sections 8, 9, 11, 13, 14, 16 and 23 of Act No. 79, S. 76, approved September 15, 1961, an act regulating the practice of engineering and land surveying; so as to provide: additional liability protection and legal counsel for the Board, biennial printing of Roster, an increase in certain fees and an increase in amount of funds that the Board may retain; and further to make an additional appropriation to the Alabama State Board of Registration for Professional Engineers and Land Surveyors from the "Professional Engineers' Fund" for the fiscal years ending September 30, 1975, September 30, 1976 and September 30, 1977.

Was read a third time at length and passed.

Yeas 89; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harrison, Hill, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

S. 335. Providing for the licensing of insurance premium finance companies; imposing powers and duties on the Commissioner of Insurance; providing for regulation of such companies in the rates and charges permissible and penalties for violations of this Act.

Was read a third time at length and passed.

Yeas 95; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian,

Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillian, McNair, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—95

And the bill:

S. 169. To provide protection to policyholders and beneficiaries of insolvent insurers in receivership by establishing a priority of certain claims to be allowed by receivership courts so as to make policyholders and beneficiaries of such insurers preferred creditors; and to make further provision for protection of policyholders by authorizing receivers of such insurers to transfer to solvent insurers certain assets of receivership estates as consideration or as reserves for reinsurance of policies of insolvent insurers upon hearing and approval of the appropriate circuit court having jurisdiction of such case or cases; and to provide for priorities of claims among classes of policyholders and beneficiaries; and to relieve the receiver of any civil liability to creditors for acts performed pursuant to such court orders.

Was read a third time at length and passed.

Yeas 93; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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And the bill:

S. 170. To amend Section 30, Title 55, Code of Alabama 1940, which sets forth the duties and powers of the State Fire Marshal by granting to the Fire Marshal, and his deputies, full powers of peace officers.

Was taken up.

Mr. Johnstone offered the following amendment to the bill:

Amend S. B. 170 by inserting the following Section 3 and renumbering subsequent Sections accordingly:

3. Nothing contained herein shall be construed to authorize Fire Marshals, deputy fire marshals and assistants to execute search warrants.

AMENDMENT TABLED

On motion of Mr. Kinsey, the amendment offered by Mr. Johnstone to the bill, S. 170, was tabled.

Yeas 57; Nays 32.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Carothers, Carter, Cates, Clark, Cross, Crowe, Dial, Edwards, Falkenburg, Gafford, Glass, Goodwin, Greer, Gregg, Higginbotham, Hill, Jackson (F), Jolly, Kelley, Kinsey, Lee, McCluskey, McCulley, McMillan, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Naramore, Owens, Pegues, Rich, Roberts, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Sparks, Starkey, Teague, Venable, Waggoner, Warren, Whatley, White and Williams.

—57

Nays:

Messrs.: Armstrong, Coburn, Folmar, Ford, Hall, Harris, Harrison, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (R), Johnstone, Kennedy, Killian, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Malone, Moore (O), Plaster, Porter, Reed, Riddick, Smith (J), Taylor, Tucker and Wyatt.

—32

S. 170 TEMPORARILY CARRIED OVER

On motion of Mr. Kinsey, the bill, S. 170, was temporarily carried over.

And the bill:

S. 171. To amend Section 54 of Act No. 407, Acts of Alabama 1971, codified into Section 54, Title 28A, Code of Alabama 1940 (recompiled 1958) by raising the capital requirements of insurance companies.

Was read a third time at length and passed.

Yeas 80; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Ford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Jackson (R), Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lutz, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Warren, Whatley, White, Williams and Wyatt.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Owens, the rules were suspended in order to bring up out of order the bill, S. 164.

And the bill:

S. 164. To establish within the Department of Insurance a Receivership Division, to provide for the management thereof and to enumerate the duties, responsibilities and authority to be conferred thereon.

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Was read a third time at length and passed.

Yeas 83; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Crowe, Dial, Edwards, Folmar, Glass, Goodwin, Greer, Hall, Harris, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1456. Relating to the coroner's office in all counties having populations of not less than 15,400 nor more than 15,625 inhabitants according to the most recent decennial census; to provide for the coroner to appoint a deputy coroner; to prescribe the duties and compensation of the deputy coroner and to repeal all conflicting statutes.

Also:

H. 1161. To fix the compensation or salary and allowance of the Register of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Also:

H. 1950. Relating to all counties having a population of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; to provide that in the discretion of the county commission, the salary of the chief deputy sheriff and the regular deputy sheriffs of any such county may be increased, and additional expense allowance may be made for the sheriff, and two additional jailors for such county may be employed; and to fix the compensation of such jailors, if employed, and the amount of the salary increases and allowance herein authorized.

Also:

H. 1506. Relating to all counties having populations of not less than 150,000 nor greater than 180,000 according to the most recent federal decennial census; to regulate the hours and times that alcoholic beverages may be sold, served, or given away in public places and to remove restrictions on the gift, sale, service or consumption of alcoholic beverages in public places to or by persons not seated at tables.

Also:

H. 1902. To amend the title and Section 1 of Act No. 115, H. 71, Special Session 1969 (Acts 1969, p. 187), which Act provides further for

the compensation of members of the county board of education of certain counties classified on a population basis.

Also:

H. 1926. Relating to all counties having a population of not less than 39,500 nor more than 41,750 inhabitants according to the most recent federal decennial census; authorizing the county commission of such counties to pay additional compensation for jurors in such counties retroactively for a three-month period.

Also:

H. 1927. Relating to Marshall County. To provide for the employment and salary of a communications and information specialist in the sheriff's department of Marshall County.

Also:

H. 1928. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census; creating a county government study commission in each of such counties.

Also:

H. 1937. To amend Act No. 277, H. 660, approved August 8, 1973, which authorizes the County Commission, Board of Revenue, or other Geneva County governing body to provide clerk-hire allowance for the Clerk of the Circuit Court, the Tax Assessor, and the Tax Collector of Geneva County so as to increase the amount of such allowances.

Also:

H. 1938. Relating to counties having a population of not less than 21,000, nor more than 22,000 inhabitants according to the most recent federal decennial census; provides expense allowance for the members of the county commission of said counties.

Also:

H. 1885. To provide an expense allowance for the Deputy Solicitor for Cherokee County, Alabama.

Also:

H. 1933. Relating to Marshall County; providing additional allowances for the clerk hire funds for the offices of the judge of probate, tax assessor and tax collector to be paid from any available county funds, and providing additional compensation for bailiffs to be paid from the county general fund.

Also:

H. 1899. A bill relating to all counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; providing for the establishment of a new salary commission and abolishing the former commission; establishing the powers, duties, compensation and method of appointment for the new commission; repealing Act No. 800, H. 1916, 1973 Regular Session (Acts of 1973, p. 1216) and other conflicting statutes.

Also:

H. 1795. Regulating through licensure the occupation of plumbing in Lauderdale County, Alabama; creating a board of plumbers examina-

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tion and registration in such county for the purpose of examining and licensing master plumbers and journeyman plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act.

Also:

H. 1437. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Also:

H. 1892. To provide for the compensation of bailiffs for the grand jury and for bailiffs serving in courts in Shelby County.

Also:

H. 1883. To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971 (Acts 1971, p. 3012) relating to the board of registrars in any county having a population of not less than 52,500 nor more than 54,000 according to the most recent federal decennial census so as to further regulate the days, hours, and places of the meetings of the board of registrars and the compensation of its members.

Also:

H. 1906. To amend Sections 2 and 3 of Act No. 1067, S. 938, Regular Session of 1973 (Acts 1973, p. 1802) which act provides for a county commission in all counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census so as to provide further for the election of the members of said commission and to provide further for the meetings of said commission.

Also:

H. 781. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

Also:

H. 782. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 357. To apply only in Mobile County providing for service of witness subpoenas by mail.

Also:

H. 1905. To amend Section 13 and 14 (a) of Act No. 113, H. 69, First Special Session, 1965, an act providing a civil service system for the City of Jasper, in relation to the number of days an employee can be suspended without right of hearing; and permitting any citizen to file charges.

Also:

H. 1903. To authorize the creation of the office of commissioner of licenses of Walker County; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Also:

H. 1850. Relating to the thirtieth judicial circuit; providing for the compensation of the clerk-secretary for the office of district attorney of said judicial circuit; and prescribing the duties of such clerk-secretary.

Also:

H. 1874. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to further regulate the taking, capturing or killing of wildlife in said counties; to regulate the gun and bow and arrow hunting of certain fur-bearing animals to the gun hunting deer seasons; to ban the practice of hanging bait over or near traps used for the taking of fur-bearing animals, and to require the marking of traps under certain conditions; and to provide penalties for violation of this act.

Also:

H. 1901. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

H. 1936. To repeal Act No. 355, H. 884 of the Regular Session of 1965 (Acts 1965, p. 490), entitled "An Act To provide for and require

reidentification of the registered voters of counties having a population of not less than 48,020 nor more than 49,750 according to the last or any subsequent federal census and imposing duties upon the Judge of Probate and upon the electors whose names appear on the list of qualified voters in such counties."

Also:

H. 1836. To provide an additional expense allowance for the circuit court reporters of the Ninth Judicial Circuit by the counties composing said circuit.

Also:

H. 1864. Relating to DeKalb County; imposing an additional excise tax on persons, corporations, co-partnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline or other liquid motor fuel or devices or substitutes therefor in said county, except diesel fuel used for any purpose whatsoever; to provide for the collection and payment of such tax and to provide the distribution and the use of the funds derived therefrom; to authorize the governing body of such county to make reasonable rules and regulations for the collection of such tax, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the governing body of such county for the collection of said tax.

Also:

H. 1865. To limit the use of public road and bridge funds of DeKalb County.

Also:

H. 1866. Relating to DeKalb County; authorizing the DeKalb County Commission to levy an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in such counties; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

H. 1867. Relating to DeKalb County; to provide that the DeKalb County Commission may levy and collect a severance tax on coal produced in said county at a rate to be established by said county commission; to provide that such tax shall be in addition to any state severance tax on coal and shall be deposited in the general fund of said county to be expended at the discretion of said county commission.

Also:

H. 1318. Relating to counties having a population not less than 115,000, nor greater than 150,000, according to the latest Federal decennial census; providing that, in addition to the \$12 per diem now being paid by the state, poll workers and election officers shall be paid \$12 per diem from the county general fund.

Also:

H. 159. Relating to Madison County, to set standards for judicial officers in said county for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

Also:

H. 916. To establish and provide for a Schedule of Compensation for Deputy District Attorneys of the Sixth Judicial Circuit.

Also:

H. 1120. To provide for supplementing the compensation paid to retired Circuit Judges in judicial circuits composed of one county and having not less than seven nor more than twelve circuit judges.

Also:

H. 1463. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers in Blount County.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill to-wit:

H. 376. Relating to Mobile County; to provide that any monies in the general fund of Mobile County may be used by the County governing body to pay the doctor, medical, hospital bills and any expenses required for rehabilitative purposes of any County employee who is injured in the line of duty; and to make provisions of this Act retroactive to January 1, 1973.

And finds same correctly enrolled with Executive Amendment.

TOM DRAKE,
Chairman.

SIGNING OF THE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H. J. R. 102. RELATING TO ALABAMA'S HISTORIC LAND-MARKS.

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Also:

H. J. R. 338. REQUESTING THE JEFFERSON COUNTY COMMISSION AND THE WATER BOARD TO REVIEW AND REVISE THE RATES.

Also:

H. J. R. 370. CREATING THE STATE FORT AND HISTORIC TRAIL COUNCIL.

Also:

H. J. R. 373. URGING THE BOARD OF CORRECTIONS TO CONSIDER A PLAN OF REORGANIZATION CONDUCIVE TO THE REHABILITATION OF PROMISING CANDIDATES.

Also:

H. J. R. 376. THANKING THE UNIVERSITY OF ALABAMA CENTER FOR BUSINESS AND ECONOMIC RESEARCH, THE ALABAMA LEAGUE OF MUNICIPALITIES, THE ALABAMA DEVELOPMENT OFFICE, AND THE ALABAMA STATE CHAMBER OF COMMERCE FOR RESEARCH STUDY ON CHARACTERISTICS OF HOUSE AND SENATE DISTRICTS.

Also:

H. J. R. 377. CREATING THE COUNCIL OF ALABAMA ARCHAEOLOGY AND THE ALABAMA ARCHEAOLOGICAL ADVISORY COMMITTEE.

Also:

H. J. R. 399. NAMING ACT NO. 524, S. 185, PROVIDING FOR SEMIPERMANENT LICENSE PLATES, THE "McMILLAN-HINES-DIAL ACT."

Also:

H. J. R. 400. CONGRATULATING THOMAS B. AND MILDRED HILL ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

H. J. R. 403. COMMENDING CLEVELAND L. ADAMS.

Also:

H. J. R. 404. COMMENDING FORMER ALABAMIAN JOHN HENRY FAULK UPON HIS NEW BOOK, "FEAR ON TRIAL."

Also:

H. J. R. 406. COMMENDING VICTORIA POPE AT THE END OF HER REIGN AS THE NATIONAL PRESIDENT OF THE FUTURE HOMEMAKERS OF AMERICA.

Also:

H. J. R. 410. CREATING AN INTERIM STUDY COMMITTEE ON THE AVAILABILITY OF SAFE AND SANITARY RESIDENTIAL HOUSING FOR LOW AND MODERATE INCOME FAMILIES.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 211. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said Circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

Also:

H. 1740. To provide for the incorporation of a municipal parking authority, herein called "the Authority", as a public corporation, in any city of the state having a population of not less than 50,000 nor more than 60,000 inhabitants according to the most recent federal decennial census; to provide the procedure for incorporation, which shall include approval by the governing body of the city of the application for incorporation and certificate of incorporation; to provide for a committee including such governing bodies to appoint members of the Board of Directors to manage the affairs of the Authority; to provide for appointment of officers of the Authority; to empower the Authority to acquire, construct, enlarge and operate within the city facilities for parking motor vehicles; to empower the Authority to lease or cause to be leased such facilities to others, and to develop, acquire and lease or cause to be leased certain retail and service establishments in conjunction with and as a part of the parking facilities; to grant the Authority other powers incidental to the powers above enumerated, including but not restricted to the power of eminent domain; to authorize the city to aid the Authority in planning, constructing, enlarging or operating the facilities and to lend, give, donate or sell to the Authority real or personal property; to empower the Authority to issue interest bearing revenue bonds; to provide that such bonds may be secured by pledge of any revenues of the Authority and the mortgage of any property of the Authority; to provide that such pledge and mortgage may be provided for in or indenture by the Authority and a trustee, or by resolution providing for the issuance of bonds; to provide that such pledge shall be binding against parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county wherein the Authority is located; to provide that bonds or other debts of the Authority shall not constitute a debt of the state or any political subdivision thereof; to provide the purposes for which the proceeds of such bonds shall be used; to authorize the refunding of said bonds; to provide for remedies in the event of any default on said bonds, including license, privilege and excise taxes; to exempt from taxation bonds of the Authority and the income therefrom; to authorize any county, city or town of this state to invest in bonds of the Authority; to provide that such bonds shall be legal investments for fiduciaries, savings bank and insurance companies; to

authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by the Authority, and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

H. 1545. To allow or rearrange the boundaries of the City of Dothan, Houston County, Alabama, so as to include within the corporate limits of said City all territory within such corporate limits and also certain other territory contiguous thereto.

Also:

H. 1390. Relating to Coosa County, providing for a clerk hire allowance not to exceed \$5,000 per year for the office of judge of probate of said county.

Also:

H. 1853. To provide for and prescribe the form of government for any city having a population of not less than 23,000 nor more than 27,000 according to the most recent federal decennial census; to provide for the abandonment of the existing form of government; to provide for a referendum to determine when the provisions of this Act become operative; and to repeal conflicting laws.

Also:

H. 1848. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bills and Senate Joint Resolutions, your signature thereto is requested:

S. 299. To amend and re-enact sub-section (a) of Section 34, of Title 36, Code of Alabama, 1940, as amended, by adding thereto a new sub-

section, relating to tire equipment on motor vehicles, to prohibit the operation on the highways of the state any vehicle with unsafe tires, to provide tire conditions which are unsafe and to prohibit the sale of unsafe tires.

Also:

S. 441. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1975-76 and 1976-77; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

Also:

S. 627. To amend Section 14 of Act No. 247, H. 512, Special Session of 1932 (Local Acts of Alabama, Special Session of 1932, p. 98), which act provides for a jury board in Jefferson County so as to allow persons not under twenty-one years and not over seventy years of age to serve as jurors in said county.

Also:

S. 741. To create the office of ex-officio judge of the Tuscaloosa County Court; to prescribe the powers, duties and authority of the ex-officio judge; to provide for the appointment of such ex-officio judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him; and to provide a supervisory board, and prescribe its authorities and responsibilities.

Also:

S. 947. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 55,500, nor more than 56,500 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

S. 967. To alter and rearrange the boundary lines of the Town of Flomaton, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory in Escambia County, Alabama, contiguous of said Town.

Also:

S. 988. Relating to Walker County; levying a 4 mill ad valorem tax to be paid to the Walker County Board of Education and distributed by the Walker County Board of Education in accordance with amendment No. 204 to the 1901 Constitution of the State of Alabama; providing for the purposes to which the funds provided by said tax are to be put;

further providing that such tax shall take effect upon being approved by the voters of said county in an election to be called by the governing body of Walker County, Alabama and pursuant to the Constitution of Alabama and the law relating thereto.

Also:

S. 1025. To protect and preserve water purification and prevent water contamination by prohibiting strip mining in certain areas contiguous to Lewis Smith Lake in counties having populations of not less than 16,600 nor more than 16,950 inhabitants, according to the most recent federal decennial census; to prescribe penalties for violations; and generally to promote the health and welfare of the inhabitants of such counties.

Also:

S. 1109. To amend Act No. 360, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) and Section 3 and Section 11 (c) thereof, in particular, which acts create and establish the Houston County Court of Houston County, Alabama in order to repeal and abolish the jurisdiction, power and authority of the court to hear and decide cases and matters relating to divorce, domestic relations, separate maintenance, custody of children, desertion and non-support, juveniles and those actions and matters relating to juveniles and also to establish the qualifications of such judge of said court so as to abolish the requirement that the judge of the court must have been licensed to practice law in Alabama for five years and to provide for the transfer of such cases herein above enumerated, which are pending in the court upon the effective date of the passage of this bill, to the Circuit Court of Houston County, Alabama.

Also:

S. 1134. To amend Sections 3, 6, and 12 of Act No. 2220, H. 2829, 1971 Acts of the Regular Session (Acts 1971, Vol V, p. 3566), entitled "Relating to all counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census; to impose a tax upon the sale by liquor licensees of spirituous or vinous liquors and an additional tax on malt or brewed beverages when sold for on-premises consumption; providing for the administration of this Act and the collection and use of the proceeds; requiring permits for taxable sales of spirituous and vinous liquors and malt or brewed beverages; and providing penalties for violations of this Act", further prescribing the manner and method of regulating the sale of alcoholic beverages, taxation thereon, and penalties for violations.

Also:

S. 1152. To authorize the county commission of all counties having a population of not less than 95,000 nor more than 115,000 inhabitants according to the most recent federal decennial census to make expenditures from the county general fund for bi-centennial purposes.

Also:

S. 1173. To apply only in counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, legalizing the sale of draft or keg beer or malt beverages in such counties.

Also:

S. 1255. Relating to counties having a population of not less than 41,500 nor more than 45,000 inhabitants according to the most recent

federal decennial census; to provide an additional expense allowance for the judge of the county court.

Also:

S. J. R. 91. Creating a select Joint Interim Committee to study grants received by the various State Departments and Agencies.

Also:

S. J. R. 146. Commending Cleveland L. Adams.

Also:

S. 1135. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Anniston.

Also:

S. 365. To amend Article X, Section 10.1 of Act No. 404, S. 430, Regular Session 1953 (Acts 1953, p. 472) providing for the Council-Manager form of government in cities having a population of not less than 30,000 nor more than 33,000 according to the most recent federal decennial census, so as to provide that the question of the abandonment of the Council-Manager form of government may not be re-submitted within two years after any other election thereon.

Also:

S. 410. To provide for expense allowances for the Circuit Judges of the Twentieth Judicial Circuit to defray expenses in the performances of their official duties.

Also:

S. 679. To amend Section 1 of Act No. 586, H. 1606, Regular Session 1973 (Acts 1973, p. 842) to increase the expense allowance of the clerk and the register of the circuit court of Houston County, Alabama.

Also:

S. 680. To amend Section 1 of Act No. 631, H. 1738, Regular Session 1973, (Acts 1973, p. 939) which relates to the compensation of certain officers of Houston County.

Also:

S. 848. To provide for additional compensation for the official Court Reporters of the Twentieth Judicial Circuit of Alabama, for the performance of their official duties.

Also:

S. 881. To provide that no position or vacancy on any board or agency in DeKalb County shall be filled by appointment by the DeKalb County Commission after June 1 of any year in which members of the DeKalb County Commission are nominated and elected, except that such position or vacancy may be filled on a temporary basis with said appointment to expire on January 1 of the following year.

Also:

S. 905. To apply to every county of the State having a population of 600,000 or more according to the last or any subsequent Federal census;

to provide that the governing body of any such county may provide by ordinance for taking possession of, storing and selling any abandoned, stolen or contraband property found in the county; to provide that any such ordinance may prescribe the conditions on which such property may be taken into possession, stored and sold; and to provide what other provisions any such ordinance shall contain.

Also:

S. 1038. To amend the title and Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 21 and 24A and to strike Sections 17, 18, 19 and 20 of Act No. 96, H. 490, Regular Session 1965 (Acts 1965, p. 1974) which relates to the establishment of an inferior court in Jefferson County known as the Civil Court of Jefferson County.

Also:

S. 1068. To amend Section 68 of Title 52 of the 1940 Code of Alabama relating to compensation of members of the County Board of Education and to fix the compensation of members of the County Board of Education in all counties having a population of 600,000 persons or more according to the last or any succeeding federal census.

Also:

S. 1112. To authorize and provide for the incorporation in each city in the state having a population of 250,000 or more according to the last or any subsequent federal census of one or more public corporations for the purpose of providing products markets, exhibition halls, coliseums and buildings and related structures for the display of products or the conduct of exhibitions, contests and sporting events in order to encourage the industrial, economic and commercial development of such cities, the counties in which they are located, and the state, and to promote interests in sports, and amusements; to provide for the election or appointment of directors and officers of such corporation: to specify the powers of such corporation, including the exercise of the power of eminent domain: to empower such corporation to enter into management contracts and other agreements with private entities for management of any project developed by it; to empower the municipality in which such corporation is organized to enter into a lease agreement with such corporation for lease by such municipality of any project developed by the corporation for a term of up to thirty years; to empower the municipality in which such corporation is organized, as well as any other municipality in the same county as such municipality, as well as the county itself to make capital investments in such corporation; to authorize the county in which such corporation is organized, any public corporation formed with its consent or approval, any public corporation formed with the consent or approval of such municipality, any other municipality located in such county, any public corporation formed with its consent or approval and the State of Alabama or any of its corporate agencies to enter into leases for use by them of any project developed by such corporation; to provide certain terms and conditions for such leases; to authorize the donation of property by such municipality, the county in which the same is located, any other municipality in such county, or the state to such corporation; to authorize the appropriations of funds by such municipality, the county in which the same is located, any other municipality in such county, or the State of Alabama to or for the benefit of such corporation; to authorize the sale and issuance by such corporation of interest-bearing revenue bonds and refunding revenue bonds, payable solely out of the rent, revenues and income from the project or projects with respect to which they are issued; to specify the provisions which may be included in such bonds and to declare them to

be negotiable instruments; to authorize and provide for an indenture of trust under which such bonds may be issued; to provide for certain remedies in favor of the holder or holders of any bonds issued by such corporation upon default on the same, but limiting such remedies to preclude foreclosure upon any project of such corporation, or any other remedy by which the holder or holders of such bonds may gain ownership, title or possession of such project; to specify the use to which the proceeds of such bonds may be put; to authorize the investment of funds of such corporation not presently needed; to exempt from taxation properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom and the said indentures; to provide that such bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of such municipality, the county in which the same is located, and any other municipality in such county in such bonds; to authorize the publication of notice of the adoption of the resolution authorizing such bonds and providing a short statute of limitation for the institution of action or the making of defenses respecting the validity of said bonds, pledge, indenture and lease; to provide for the vesting in such municipality of title to each project of such corporation upon payment of all bonds issued with respect to such project; to provide for payment of any surplus monies held by such corporation at the end of any fiscal year thereof in excess of \$250,000 or such greater sum as may be approved by the governing body of such municipality, in excess of any reserves necessary to secure payment of any indebtedness of the authority, to such municipality; to provide for transfer of the assets of any corporation organized pursuant to the provisions of Act No. 174 of the First Special Session, 1965 (1965, First Extra Session, pp. 224, et seq.) in the county in which such municipality is located which has no bonded or otherwise secured indebtedness to such corporation; to provide for the directors of such a corporation organized pursuant to the provisions of said Act No. 174 to be the initial directors of such corporation if willing to serve as such; and, to provide for the dissolution of such corporation.

McDOWELL LEE,
Secretary.

SIGNING OF SENATE BILLS AND SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Bills and Senate Joint Resolutions, the titles of which are set out in the above and foregoing Message from the Senate.

SPECIAL ORDER RESUMED

And the bill:

S. 1041. To Amend Section 9 of Act 1938, Regular Session 1971 which Act relates to the inspection of mobile homes by the State Fire Marshal so as to increase inspection fees, original fees, and to provide for appropriation of funds to the State Fire Marshal.

Was read a third time at length and passed.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Cooper, Cross, Crowe, Dial, Folmar, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham,

Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeese, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Porter, Reed, Rich, Riddick, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

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RESOLUTION

The following resolution was introduced:

By Mr. Holley:

H. J. R. 421. CREATING AN INTERIM COMMITTEE TO STUDY THE FORMULAE FOR THE DISTRIBUTION OF FUNDS TO THE STATE UNIVERSITIES, JUNIOR COLLEGES AND TRADE SCHOOLS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the distribution of funds to the state universities, junior colleges and trade schools and related matters pertaining thereto. Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House and three members of the Senate, to be appointed by the President of the Senate. The committee shall meet as soon as practicable after the approval date of this resolution and select a chairman from among its members. It shall meet at such subsequent time or times upon the call of the chairman. The committee shall be limited to 20 meeting days and shall make a report of its findings to the legislature on the first day of the 1976 Regular Session and dissolve forthwith. The compensation, travel expenses and per diem paid each member shall be the same as is currently paid for sessions of the legislature which shall be paid out of any funds appropriated to the use of the legislature on warrants drawn on the state comptroller upon requisition signed by the committee's chairman.

It shall be the duty of the committee to study the existing provisions and formulae for the distribution of funds to the state universities, junior colleges, and trade schools, to ascertain the correctness of the head count and fulltime equivalency of both day and night students that said institutions submit for determining the distribution of funds.

The committee shall have authority to pursue any information from state institutions. The committee shall have subpoena power and the power to punish for contempt of a committee of the legislature.

MOTION TO SUSPEND RULES LOST

The motion offered by Mr. Holley to suspend the rules in order to take up for immediate consideration the resolution, H. J. R. 421, was lost.

Yeas 29; Nays 36.

Yeas:

Messrs.: Albright, Andrews, Baker, Brindley, Carothers, Glass, Greer, Hall, Hill, Hines, Holley, Jackson (R), Jolly, Kennedy, McNair, Malone, Mitchem, Moore (O), Plaster, Reed, Robertson, Smith (C), Smith (J), Taylor, Trammell, Turnham, Whatley, Williams and Wyatt.

—29

Nays:

Mr. Speaker, Armstrong, Biddle, Campbell, Cates, Coburn, Crowe, Dial, Edwards, Folmar, Goodwin, Harris, Higginbotham, Hopping, Johnstone, Kelley, Lewis, Lockett, Lutz, McCluskey, McMillan, Manley, Martin, Moore (W), Morris, Naramore, Pegues, Porter, Rich, Roberts, Sandusky, Smith (B), Teague, Tucker, Waggoner and White.

—36

And the resolution, H. J. R. 421, was read and referred to the Standing Committee on Rules.

SPECIAL ORDER RESUMED

And the bill:

S. 1018. (With Substitute): Relating to elections; to define "primary elections"; to provide party may choose to come under law; to define "political party"; to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party committees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairman to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to provide for method of registering voters by political party preference and requiring all voters in future primaries to be registered as a member of respective party; to provide for method of changing party registration; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

Relating to elections; to define "primary elections"; to provide party may choose to come under law; to define "political party"; to define the term "total vote"; to provide which elections are within the law; to provide for the date of elections; allows party to elect convention delegates by presidential preferential primary; to provide for party com-

mittees and their election; to provide for payment of expenses of primary elections; to provide method of filing declaration of candidacy and require party chairmen to certify such candidates; to require candidates to be eligible to hold office; to provide for public notice to election; to establish who may vote in primary; to allow parties to assess fees against candidates; to allow candidates to nominate election officers and provides for oath of said officers; to provide for official ballots and election stationery; to provide for ballot boxes and voting machines to be used; to provide official form of ballot; provides method of challenging voters; to provide regulations for handling challenged ballots; to provide methods of casting votes; to provide for poll watchers; to provide for assistance to voters unable to read English; to provide duties of sheriff; to provide time of counting ballots; to provide for disposition of ballots, lists and supplies; to require public proclamation of the result; to provide for tabulation and declaration of results by precinct; to provide for declaration of candidate or nominee; to provide for date of second primary; to provide for breaking tie votes; to provide for certification of nominees to probate judge; to provide for filling vacancies in nominations; to provide for method, time and place of mass meetings; to provide penalties for violation of mass meeting law; and to repeal Code of Alabama 1940, Title 17, Chapter 2.

Be It Enacted by the Legislature of Alabama:

Section 1. A primary election, within the meaning of this Act, is an election held by the qualified voters, who are members of any political party, for the purpose of nominating a candidate or candidates of public or party office. Primary elections are not compulsory. A political party may, by its state executive committee, elect whether it will come under the primary election law. All political parties are presumed to have accepted and come under the provisions of the primary election law, but any political party may signify its election not to accept and come under the primary election law by filing with the secretary of state, at least sixty days before the date herein fixed for the holding of any general primary election, a statement of the action of its state executive committee, certified by its chairman and secretary, which statement shall contain a copy of the resolution or motion adopted declining to accept and come under the primary election law. If a political party declines to accept and come under the primary election law it shall not change its action and accept and come under the primary election law until after the next general election held thereafter. The governing body of a political party may determine from time to time what party officers shall be elected in the primary; provided, candidates for all party officers shall be elected under the provisions of this Act unless the method of their election is otherwise directed by the governing body of the party involved.

Section 2. An assemblage or organization of electors which, at the general election for state and county officers then next preceding the primary, cast more than twenty percent of the entire vote cast in any county is hereby declared to be a political party within the meaning of this Act within such county; and an assemblage or organization of electors which, at the general election for state officers then next preceding the primary, cast more than twenty percent of the entire vote cast in the state, is hereby declared to be a political party within the meaning of this Act for such state.

Section 3. In determining the total vote of a political party whenever required by this Act the test shall be the total vote received by a candidate of that party who received the highest vote total of any of the candidates of that party.

Section 4. All primary elections hereafter held by any political party in this state for the nomination of any state, national, district, circuit, county or municipal officers, shall be held and conducted under the provisions of this Act, and, except as herein modified, shall be held and conducted in the same manner and form, and under the same requirements, and subject to the same forfeitures, penalties and punishments, as are now, or shall hereafter be provided by law for the holding of regular state elections, but nothing herein contained shall make it obligatory upon any political party or parties to hold a primary election.

Section 5. If any primary elections, except special primary election, are held at the expense of the state or counties during presidential election years, the same being 1976 and every four years thereafter, the same shall be held on the first Tuesday in May; and during gubernatorial election years, the same being 1978 and every four years thereafter, the same shall be held on the first Tuesday after the first Monday in September. When necessary, as hereinafter provided, a second or runoff primary election shall be held on the third Tuesday next thereafter following said primary election. The second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.

Section 6. Political parties may provide for the selection of delegates to national conventions by the holding of a presidential preference primary or by popular election of the delegates or otherwise. In the event a presidential preference primary is called by the governing body of any party, notice of such action shall be given to the Secretary of State as part of the notice required by section 12 of this Act. Said notice shall prescribe the procedure for the listing of the names of presidential candidates on the primary ballot and for the selection of delegates pledged under party rules to vote for the respective presidential candidates. A presidential preference primary, when called, will appear in the first or top position on the primary ballot. When no presidential preference primary is to be utilized, delegates may be elected in the primary election in the same manner as other party officers except that, subject to such rules and procedures as the respective political parties may adopt, delegate candidates may be permitted to list opposite his or her name on the primary ballot the surname of the presidential candidate to whom he or she is pledged or the word "uncommitted". When delegates are to be so elected the candidates for such position or positions shall appear in the first or top position on the primary ballot.

Section 7. There may be provided a committee of each party for the state and each political subdivision of the state, including counties, said committees to be selected in such manner as may be provided for by the governing authority of each party, but if there shall not be elected or chosen any committee, for any county or other political subdivision, then all the powers which could be exercised by any such committee shall be vested in the state executive committee, under such rules and regulations as the governing body of the party may designate, or the state committee or the chairman thereof may appoint a county committee to act until such a committee is elected or chosen as provided by law or party rule. When a state executive committee of a party is provided said state executive committee shall be the governing body of the party within the meaning of this Article, except that it shall have the authority to delegate to county executive committees authority over the conduct of party affairs within the respective counties including authority over the conduct of primary elections within the respective counties.

Section 8. The state or county executive committee of any political party may, by a majority vote of said committee, require that members of said committee be elected by the qualified electors of such political party. If such committee adopts an appropriate resolution requiring that such members be so elected, such election shall be held on the same ballot as the gubernatorial primary election. When members of county or state executive committees are to be elected in a primary their declarations of candidacy shall be filed in the same manner and within the same time as candidates for nomination for public office.

Section 9. The compensation of officers and other expenses of any and all primary elections, general or special, held under the provisions of this Act shall be paid in the same manner and to the same extent as is or may be provided by law for the payment of the expenses and officers of general elections held under the general election laws of Alabama, and to be paid out of the county treasury in same manner.

Section 10. All candidates for nomination to public office or for election to party office in the primary provided for in this Act shall file their declaration of candidacy with the state party chairman if they seek any office other than a county office (including federal, state, circuit, and district offices, the state senate and house of representatives), and with the county party chairman if they seek a county office, not later than 5 p.m. 46 days before the date of such primary.

The state party chairman shall, no later than 5 p.m. 39 days before the primary certify the names of all primary candidates except candidates for county offices, to the secretary of state. The county party chairman shall, not later than 5 p.m. 39 days prior to the date of the primary election, certify to the probate judge the names of all candidates for nomination to county offices or election to county party offices. The secretary of state shall, not less than 29 days prior to the date of the primary election, certify to the probate judge of every county in which the election is to be held the names of the opposed candidates for nomination to federal, state, circuit, or district offices, the state senate and house of representatives, and all other opposed candidates to public or party office, except candidates for county offices. The probate judge of each county shall have the ballots prepared for the primary election. If a legally qualified candidate for nomination to an office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be the nominee of the party with which he has qualified for the office. If a legally qualified candidate for election to a party office is unopposed when the last date for filing declarations of candidacy has passed, his name shall not appear on the ballots to be used in the primary election, and he shall be declared elected to the party office for which he qualified.

Section 11. The name of no candidate shall be printed upon any official ballot used at any primary election unless such person is legally qualified to hold the office for which he is a candidate, and unless he is eligible to vote in the primary election in which he seeks to be a candidate and possesses the political qualifications prescribed by the governing body of his political party.

Section 12. When it shall be desired by the governing body of any political party to enter the primary election ordered to be held under the provisions of this chapter, said governing body for the state shall give public notice thereof by filing a copy of the resolution of such governing body with the secretary of state of Alabama. Such notice may be given to the secretary of state by the chairman of the county executive com-

mittee where the primary election affects only one county, and a copy of such notice shall be filed with the probate judge of such county.

Section 13. All persons who are qualified electors under the general laws of the State of Alabama, and who are also members of a political party and entitled to participate in such primary election, under the rules of said party shall be entitled to vote therein and shall receive the official primary ballot of that political party, and no other; but every governing body of a party shall have the right, power and authority to fix and prescribe the political or other qualifications of its own members, and shall, in its own way, declare and determine who shall be entitled and qualified to vote in such primary election, or to be candidates therein, or to otherwise participate in such political parties and primaries; and the qualifications of electors entitled to vote in such primary election shall not necessarily be the same as the qualifications for electors entitled to become candidates therein; provided, that nothing herein contained shall be so construed as to prohibit any state executive committee of a party from fixing such qualifications, as it may deem necessary, for persons desiring to become candidates for nomination to offices at a primary election. All poll lists for primary elections shall state at the top thereof that by participating in said primary election a voter shall indicate his preference for the party holding said primary, and shall certify that he has been a member of the same for at least 30 days next preceding said primary and that he is qualified under the rules of such party to vote in its primary election. No person shall be eligible to participate in said primary unless he signs said poll list and thereby certifies to the truth of said statement.

Section 14. The governing body of a party may fix assessments upon those able to pay, or other qualifications, as it may deem necessary, for persons desiring to become candidates for nomination to offices at a primary election, but such assessments shall not exceed two percent of one year's emolument from all sources, of the office sought, and for an unremunerative or party county office or an unremunerative or party office to be filled by a vote of a subdivision greater than one county it shall not exceed Fifty Dollars or One Hundred and Fifty Dollars for an unremunerative or party office to be filled by a vote of the entire state.

Section 15. Each candidate for nomination may at least twenty-five days before the primary, present to the county executive committee of his party a list of election officers desired by him for any one or more of the districts, wards or precincts, and his county committee shall, so far as practicable, make up, from the list so presented to it, a list of names of election officers, six in number, for each district, ward or precinct, which it will nominate to the appointing board of the county for appointment as officers to conduct the primary election and the county committee shall present the list so made up by it to the appointing board of the county, which appoints the election officers to conduct elections for state and country officers in November, or at any other lawful time, which appointing board from the list so presented to it by the county committee shall if there by on said list the names of sufficient persons who are legally eligible select and appoint the officers to conduct the primary election, observing the above rule as to representation wherever more than one party enters the primary and in the latter case if a county committee has not given a sufficient number of names for a box; then the appointing board shall supply the deficiency from electors of that party. In the event the persons selected as officers fail to appear at the polling place on the day of the primary election at least one hour before the polls are scheduled to open then their places shall be filled by such of those who have been named by such appointing board, as do appear; and in the event none so named appear by then the voters present quali-

fied to participate in such primary election may, from among themselves, select officers to conduct such election in such district or precinct, and such substituted persons, shall have the authority to conduct such elections, and to be paid for their service in the same manner as if they had been originally appointed. All officers serving in such primary elections shall take the same oath required to be taken by officers of regular state elections, and shall be subject to the same restrictions, limitations, penalties and conditions.

Section 16. Separate official ballots and other election stationery and supplies for each political party shall be printed and furnished for use at each election district or precinct, and shall be of a different color for each of the political parties participating in such primary election. All ballots for the same political party shall be alike, except as herein otherwise provided, printed in plain type, and upon paper so thick that the printing cannot be distinguished from the back. Across the top of the ballot shall be printed the party's emblem, if any, and the words, "Official Primary Election Ballot". Beneath this heading shall be printed the year in which said election is held and the words "Democratic Party" or "Republican Party" or other proper party designation. Each group of candidates to be voted on shall be preceded by the designation of the office for which the candidates seek nomination, and in the proper place shall be printed the words, "Vote for one," or "Vote for two," (or more) according to the number to be elected to such office at the ensuing election. At the bottom of the ballot and after the name of the last candidate shall be printed the following, viz: "By casting this ballot I do pledge myself to abide by the result of this primary election and to aid and support all the nominees thereof in the ensuing general election." Should any voter scratch out, deface or in any way mutilate or change the pledge printed on the ballot; he shall not be considered or held to have repudiated or to have refused to take the pledge, but shall, conclusively, be presumed and held to have scratched out, defaced, or mutilated or changed same for the sole purpose of identifying his ballot; and accordingly such ballot shall be marked "Spoiled Ballot" and shall not be counted.

Section 17. Where more than one political party has entered such primary it shall be the duty of the county governing body to furnish to the election officers of each voting place separate ballot boxes or, where voting machines are used, separate rows or columns on such machines for each party participating in such primary. Ballot boxes shall be distinctly marked and the ballots of electors of each party shall be deposited in the box assigned to and designated for that party. The returns, certificates, official list of voters, after the canvass of the votes, shall be deposited in the ballot box of the party to which they relate.

Section 18. The names of candidates for each office shall be listed on the ballot in alphabetical order by surname and the offices shall be listed in the following order:

President (if preference primary)
Delegate to National Convention
Governor
Lt. Governor
U.S. Senator
U.S. Representative
Attorney General
State Senator
State Representative

Supreme Court Justice
Court of Civil Appeals Judge
Court of Criminal Appeals Judge
Secretary of State
State Treasurer
State Auditor
Commissioner of Agriculture and Industries
Public Service Commissioner
State Board of Education Member
Circuit Court Judge
District Attorney
District Court Judge
Circuit Clerk

Other public officers (to be listed in the order prescribed by the probate judge)

Other party officers (to be listed in the order prescribed by the probate judge)

Section 19. Whenever and wherever candidates for two or more state offices of the same classification are to be nominated in said primary each of said places to be filled shall be numbered, and each candidate for such offices in the announcement of his candidacy shall designate the number of the office for which he is a candidate; the same person shall not be a candidate or be permitted to file his declaration for more than one of such places; provided, no ballot shall be counted for any candidate except for the place and number for which he announced in his declaration filed with the legally constituted authorities to receive and file declaration of candidacy.

Section 20. The judge of probate of each county is hereby required to furnish to the officers of the primary election a copy of the official list of voters of each precinct or district in his county, of the same kind and in the same manner as he is required by law to furnish such list to the officers at any general state election. The probate judge shall also furnish all necessary election supplies, including stamped addressed envelopes in which to mail certificate of results and other papers herein required to be forwarded. The probate judge shall deliver such election supplies and lists to the sheriff of the county not less than three days before the day of the election, and it shall be the duty of the sheriff to deliver the same, together with ballot boxes, to the officers of said election, at the place provided by law for holding said election, and not later than one hour before the polls are scheduled to open on said election day.

Section 21. If the name of a person desiring to vote in the primary of a party does not appear on the official list of voters for said district, ward, or precinct, as furnished by the judge of probate, it shall be the duty of the inspectors to challenge such vote in the same manner as they are required to challenge voters in the general elections whose names do not appear on the official list of voters, and, when challenged, such voter, before his ballot shall be received, shall be required to swear and subscribe to the same affidavit of qualification which is required of a voter challenged at a general election, and shall be required to swear and subscribe to an affidavit that he is a member of the party in whose primary he is attempting to vote, and shall also be required to produce the same kind of affidavit of identification as is required of a voter

challenged at a general election, and the affidavit of identification must be sworn to and subscribed in like manner as required at general elections; provided, however, that wherever a person duly qualified in a district, ward, or precinct, presents to the inspectors a certificate, (dated subsequent to the date of publication by the probate judge of the list of qualified voters), signed by the probate judge, and under his seal or that of his court, that such person's name appears upon the lists of qualified voters entitled to vote in that primary, on file or record in his office, then such applicant may be allowed to vote without any challenge made upon the above ground.

Section 22. All challenged votes shall be marked "challenged" on the back thereof by one of the inspectors and with a number corresponding to the number opposite the name of the challenged voter as it appears on the official list of the qualified voters for such election. If the name of such challenged voter does not appear on the official list of qualified voters, one of the inspectors shall add such name to the official list of qualified voters, and assign it its proper number on the list. All affidavits of challenged voters shall be taken in duplicate in the same manner as affidavits are taken of challenged voters in the general elections. One copy of such affidavits in reference to such challenged voters shall be returned with the votes in the ballot box of the party to which they pertain, and the other copy shall be mailed to the circuit solicitor to be presented by him to the next grand jury meeting in said county.

Section 23. The ballot of every voter shall be kept secret and inviolate. As the inspectors deposit the ballot, the name of the voter shall be checked off the official voting lists. One of the inspectors, as he hands out the ballot to the voter, shall initial the same on its back and before depositing it in the ballot box shall examine said ballot and see that it contains the identical initials aforesaid, and said ballot shall be numbered by one of the inspectors before being deposited in the ballot box and a corresponding number placed by the clerks on a record to be kept for that purpose by them, which records shall be enclosed in a separate envelope and sealed and directed to the chairman of the county executive committee, and delivered to him by the returning officer, and be kept by such chairman, and opened only as herein provided. In the event of a contest such sealed record of only the counties, districts, precincts, or wards concerned in the contests, shall be opened, and, when opened, may be used in evidence so far as necessary. Such chairman shall not open such sealed records except on proper demand, as provided for in this act, or as permitted by law, or to make certified copies on such demand; and he shall not open them except in the presence of the trial committee. The seal of the ballots shall be removed or broken only as provided for in the provisions of law applicable to general elections. After the time allowed by law for filing contests, if no contest be filed, the chairman of the county executive committee shall destroy sealed records.

Section 24. A candidate who has qualified may have a single watcher in the polling place to be appointed by him in writing over his own signature and the appointment shall be presented to and filed with the inspectors. A returning officer shall not be a watcher. A watcher shall not act as or be an election officer and shall not render assistance to anyone in preparing a ballot. The watcher may remain in the voting place from the opening of the polls until the box is sealed and delivered to the returning officer, and shall have the right to see and inspect the ballots as they are called off and see the tally as it is being made, and generally to watch the conduct of the election. Any watcher who shall violate any of the provisions of this chapter, and any person who shall pretend to be a watcher when he has not been appointed, and any person

who shall impersonate a watcher, and any watcher who shall on election day either, directly or indirectly, electioneer or campaign with any of the electors or suggest how he shall vote shall be guilty of a misdemeanor, and on conviction shall be fined not less than One Hundred Dollars, nor more than One Thousand Dollars.

Section 25. If a qualified elector is unable to read the English language or is so physically disabled that he cannot cast his ballot, and requests assistance in preparing his ballot, the inspector shall swear him as to such disability, and thereupon said vote may have the assistance of any person he may select. Each elector in preparing his ballot shall prepare the same in the room or place where such election is being held, and not elsewhere.

Section 26. The sheriff shall perform the duty of returning officer as in general election unless someone else has been named and designated as authorized by law. It shall be his duty or the duty of such returning officer as may be otherwise legally named and designated, as the case may be, to return and deliver to the chairman of the county executive committee of each of the political parties participating in the primary election, at the office of the Judge of Probate at the county seat, the ballot boxes and returns which have been delivered to him by the officers of said election, and such ballot boxes and returns shall not be allowed to leave his possession and must be returned by him to such chairman not later than Wednesday, 10:00 a.m., following said primary election. Each and all persons failing to perform any of the duties herein required shall be guilty of a misdemeanor.

Section 27. At the close of the primary election at each polling place, and nowhere else, the inspectors and clerks, shall proceed forthwith without adjournment, in the manner provided by law in the case of general elections, to count the vote.

Section 28. No ballot shall be counted until the polls are closed, and before counting any ballot or examining the same, one of the official lists of voters for each party participating in the primary which was furnished by the probate judge and the numbered poll list signed by the voters participating in the primary election shall be securely sealed in separate envelope and each of the inspectors shall write his name across every fold at which the envelope is fastened could be opened. After the counting of the votes is finished, and certificates of the result have been prepared and signed, the inspectors shall seal up in a separate envelope all the ballots cast at such election, and shall put such ballots so sealed upon in the proper party ballot box, and shall also put into the ballot box one tally sheet and one certificate of the results, and the ballot box with those contents in it shall be securely locked and sealed. The inspectors shall also, in an envelope, addressed to the chairman of the county executive committee or other governing body of each political party participating, seal up one certificate of the results, and one tally sheet, and such envelope with those contents in it, together with the proper party ballot box, shall thereupon be immediately delivered to the returning officer, who shall keep the same securely in his possession and by 10:00 a.m. Wednesday following the primary shall carry and deliver the box and envelope separately to the proper chairman of the county executive committees of the political parties participating in such primary, at the office of the probate judge of the county.

Section 29. After the result has been canvassed and declared by the county executive committee the chairman of such county committee shall securely keep the ballot box, until it is known that there will be no contest, but in any event, not less than thirty days, and if in that time

no contest has been properly instituted, such chairman shall then destroy the contents of such box without examining the same; and such ballot box shall not be opened except in one or the other of the following events: First, in the event of a contest, where the opening of the box has been authorized under authority of the chairman of the executive committee trying the contest; and second, where a box has been returned but no certificate of the result of the election has been sent the chairman outside of the box, the box may be opened by the chairman of the county committee, under the direction and in the presence of the committee; and the committee for canvassing purposes may obtain the result at any particular district, ward or precinct, from the contents of the box, using the certificate of result contained therein, if any, or otherwise, so far as necessary in order to obtain it from the box; after which the papers shall be returned into the box and the box be resealed by the chairman in the presence of the committee.

Section 30. The counting of the ballots having been completed, the results shall be publicly proclaimed. Separate certificates for each of the political parties entering said primary and the results of said election shall be drawn up by said inspectors and clerks at each and every election district or precinct, which shall contain all matters and things provided for in the law regulating general elections. Said certificates shall be signed in triplicate by each of the inspectors; one copy of the same shall be forthwith posted in a conspicuous place at such polling place, one copy shall be deposited with or mailed to the chairman of the county executive committee of each of the political parties in the primary, at such place as the county executive committee of the county shall designate at which to receive such returns; and another copy shall be mailed to the chairman of the state executive committees of the political parties participating in said primary.

Section 31. The county executive committee of the party or parties participating in said primary election shall meet at the courthouse of their counties, not later than Wednesday, noon, next following said primary election, and receive said returns, canvass and tabulate the same, by precincts, and publicly declare the results thereof; and the chairman of each county executive committee shall forthwith, and not later than that day noon, certify and return to the chairman of the state executive committee a statement and tabulation, by precincts, of the result of said primary election and of the number of votes received by each candidate therein for office, except candidates for county office, and not later than noon on the Friday next following such primary election, the state executive committee, or such sub-committee thereof as may have been appointed by the chairman thereof for such purpose shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties and publicly declare on that day the results thereof as to all candidates for office therein except candidates for county office which results shall be final.

Section 32. At the respective meetings of the respective executive committees, said county executive committee shall, as to candidates in said primary election, for office, except candidates for county office, publicly ascertain, determine and declare: If any candidate for office in said primary election has received a majority of the votes cast for that office, and, if so, declare said candidate the nominee of the party for the office for which he was a candidate and for which he received a majority of the votes cast for that office in said primary election; if no candidate receives a majority of all of the votes cast in such primary election for any one office or offices for the nomination to which there were more than two candidates, then there shall be held a second primary election on the third Tuesday next thereafter following said primary election, and

the chairman of the state executive committee shall certify to the secretary of state immediately upon the completion of such canvass, as aforesaid the names of the two candidates of his party to receive the highest number of votes in the first primary election for such office, or offices, except county officers, and who are to be voted for in the second primary election, and the chairman of each county executive committee shall immediately upon the completion of such canvass, certify to the probate judge of the county the names of the two candidates who received the highest number of votes in the first primary for nomination to any county office: and the secretary of state shall, within not more than six days from the date said certificate is received from the chairman of the state executive committee, certify to the probate judge, of any county where a second primary election is to be held the name or names of the candidates certified to him as herein provided by the chairman of the state executive committee; and the probate judge of each county in Alabama shall in manner and form as required by this chapter and the general laws of Alabama have prepared and printed all election supplies and all ballots to be voted in the second primary election, which ballots shall contain, under appropriate headings or titles of the offices to be filled, the names of the two candidates for each office so certified to him by the secretary of state and the chairman of the county executive committee, as herein required as well as such other matters as are required by this chapter and the general laws of Alabama, on ballots for the first primary election. At the second primary election no one can be a candidate except the two persons who receive the highest number of votes for the offices for which they were candidates, in the first primary election. The returns from the second primary election shall be made and the votes canvassed, tabulated and certified and the results declared in the same manner herein provided for making, canvassing, tabulating, certifying and declaring the results of the first primary election. The county executive committee of the parties participating in said primary election shall meet at the courthouse of their respective counties not later than Wednesday, next following the second primary election and receive said returns, canvass and tabulate the same by precinct, and publicly declare the results thereof, and the chairman of each county executive committee shall forthwith, and not later than that day noon, certify and return to the chairman of the state executive committee a statement and tabulation by precincts of the results of the second primary election and of the number of votes received by each candidate for office therein voted for, except candidates for county office and not later than noon on the Friday next following the second primary election the state executive committee, or such subcommittee thereof as may have been appointed by the chairman thereof for such purpose, shall meet at the State Capitol in Montgomery and receive said returns and canvass and tabulate the same by counties, and publicly declare on that day the result thereof as to all candidates voted for, except as to candidates for county office which results shall be final, and at said respective meetings of said respective executive committees, said county executive committee shall, as to candidates for county office voted for in the second primary election, and said state executive committee shall, as to candidates for office in the second primary election voted for therein, except candidates for county office, publicly ascertain and determine the candidates receiving a majority of all the votes cast in such second primary election for any one office, and the candidates so ascertained and determined to have received a majority of all of the votes cast in such second primary election for said office shall be declared the nominee of the party for such office, by said respective county and state executive committees; and thereupon, and immediately upon the completion of such canvass as aforesaid, the chairman thereof shall certify to and file with the judge of probate of his county the names of those who have been nominated

in the first or the second primary election or as otherwise authorized or provided by this chapter, as candidates of his party for county offices, and in like manner, and immediately upon the completion of such canvass, as aforesaid by the state executive committee, or subcommittee thereof, the chairman of the state executive committee shall certify to and file with the secretary of state the names of those who have been nominated in the first or second primary election or as otherwise authorized or provided by this chapter as candidates of his party for office, except candidates for county office, and the names of the persons so certified shall be placed, in accordance with Sections 40 and 47 hereof, upon the official ballot of the general election to be held in November next thereafter as the candidates of the party for the offices for which they, respectively, have been so nominated.

Section 33. In the event either of the two candidates receiving the highest number of votes in the first primary election, herein provided for, he shall, as soon as possible and not less than ten days after the holding of the first primary election, certify his declination to enter such second primary election to the chairman of the state executive committee of his party, if the office is an office other than a county office, or to the chairman of the county executive committee of his party if the office is a county office, and upon the receipt of such notification the chairman of such committee shall declare the other candidate the nominee of the party for such office and certify his name as such nominee to the secretary of state or the probate judge, as the case may require, and a second primary election for the nomination of a candidate for that particular office shall not be held.

Section 34. If a nominee for a single office is to be selected, with more than one candidate, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all candidates for said office by two, and any number of votes in excess of one-half of such total votes cast for all candidates for such office shall be a majority within the meaning of this section. If nominee for two or more offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority of votes cast for said office in such election shall be ascertained by dividing the total vote cast for all such candidates by the number of positions to be filled, and then dividing the result by two. Any number of votes in excess of the number ascertained by such last division shall be the majority herein provided for necessary for nomination. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominees for the positions to be filled.

Section 35. If, in any primary election held under the provisions of this chapter, there shall be a tie vote cast, then in such event such tie shall be decided by the chairman of the state executive committee if the office be an office other than a county office, and by the chairman of the county executive committee if the office be a county office.

Section 36. The secretary of state shall within 6 days after the second primary election certify to the probate judge of each county in the state separate list of nominees of each party for office, except nominees for county offices, to be voted for by the voters of such county.

Section 37. The state executive committee, in cases where the office to be filled is not a county office, and the county executive committee in cases where the office to be filled is a county office, but subject to the approval of and in accordance with the method prescribed by the state

executive committee, where a vacancy may occur in any nomination, either by death, resignation, revocation, or otherwise, or in case of any special election, shall have the power and authority to fill such vacancy, either by action of the committee itself, or by such other method as such committee may see fit to pursue.

Section 38. The state executive committee or other governing body of any political party may provide for state conventions or conventions of other sub-divisions and may provide for the election of delegates to such convention or other party officers at the general primary herein provided for.

Section 39. When any political party shall desire to hold any mass meeting, beat meeting, or other meeting of the voters of such party for the purpose of nominating any candidate or candidates for public office, to be voted for in a general election in Alabama or for the purpose of selecting delegates, or other representatives to any convention which may select such candidates for public office, or when any such party shall desire to hold such mass meeting, beat meeting, or other meeting of the voters of such party for the purpose of selecting committeemen, representatives or other party officers of such party; all of such meetings shall be held at the times and places set out in the succeeding section, and at no other times or places.

Section 40. All such meetings shall be held in a hall, room, or open place at or in the immediate vicinity of the voting place of the respective precinct or voting district and on the same date as that set for primary elections. The general public is privileged to attend such meetings but not to participate. No less than five (5) days prior to the date upon which any such mass meeting, beat meeting or other meeting is to be held, notice of such meeting including the time and place of such meeting shall be filed with Judge of Probate of the County in which any such meeting is to be held and shall be published in a newspaper of general circulation in said county at the expense of the political party holding such meeting. The Probate Judge shall immediately forward to the Secretary of State a certified copy of all notices filed under this section.

Section 41. Sections 39, 40 and 42 of this act shall not apply where a special election is called for the election of a public officer, for which said party has no candidate, or, where by death, resignation, or otherwise, a vacancy has occurred in any nomination made by such party; and sections 39, 40 and 42 of this act shall not apply to municipal elections.

Section 42. Any person or persons who shall hold, attend or participate in the holding of any meeting for the purpose of nominating a candidate or candidates for public office, to be voted for at any general election in Alabama, or for the purpose of electing delegates or other representatives to any convention which may select such candidates for public office, at any time or place other than as provided for in this Act, relating to mass meetings or beat meetings, or who shall otherwise violate the laws of this state regulating mass meetings or beat meetings, shall be guilty of a misdemeanor.

Section 43. The certificate of nomination by any caucus, convention, mass meeting, or other assembly of any political party or faction in this state not conducting a primary election at the expense of the state shall be filed, on or before 5 p.m. of the day of holding primary elections prescribed herein, with the probate judge in the case of nominations for county office, and with the secretary of state in the case of all other offices. Each such certificate must have attached thereto a separate sworn statement from the nominee signed by him, stating that he accepts the nomination.

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Section 44. Code of Alabama 1940, Title 17, Sections 336 through 394 and Sections 412 through 419 are hereby repealed.

Section 45. All laws or parts of laws which conflict with this act are hereby repealed.

Section 46. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 47. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, McCluskey, McCulley, McNees, Malone, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Rich, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—76

Mr. Smith (J) offered the following amendment No. 1 to the bill, S. 1018 as amended:

Amend Section Five (5);

If any primary election, except special primary elections, is held at the expense of the state or counties, the same shall be held on the first Tuesday after the first Monday in September, beginning in 1978. When necessary, as hereinafter provided, a second or runoff primary election shall be held on the third Tuesday next thereafter following said primary election. The second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Mr. Hill, the motion offered by Mr. Jackson (R) to temporarily carry over the bill, S. 1018 as amended, was tabled.

Yeas 42; Nays 30.

Yeas:

Messrs.: Armstrong, Barron, Campbell, Cates, Clark, Cooper, Dial, Drake, Falkenburg, Folmar, Greer, Hall, Harrison, Hill, Hilliard, Hines, Holmes, Hopping, Jackson (R), Kennedy, Lee, Leonard, McCulley, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Rich, Roberts, Sparks, Starkey, Taylor, Teague, Venable, Warren, Weeks, White and Wyatt.

—42

Nays:

Mr. Speaker, Baker, Biddle, Carter, Coburn, Cross, Ford, Goodwin, Gregg, Harris, Higginbotham, Jackson (F), Johnson, Jolly, Kelley, Killian, Lockett, McCluskey, McNees, Morris, Riddick, Robertson, Sandusky, Sasser, Smith (B), Smith (C), Smith (M), Sonnier, Turnham and Whatley.

—30

Mr. Hall offered the following substitute amendment to the amendment offered by Mr. Smith (J), to the bill, S. 1018 as amended:

Amend S. B. 1018 by deleting on page 4 lines 12 and 13 the following "first Tuesday after the first Monday in September" and add the following "last Tuesday in August."

Further amend S. B. 1018 by deleting on page 4 line 15 "third" and add in its place "fourth"

Further amend by deleting on page 19 line 25 the following "Third" and add in its place "fourth"

SUBSTITUTE AMENDMENT TABLED

On motion of Mr. Hill, the substitute amendment offered by Mr. Hall to the amendment offered by Mr. Smith (J) to the bill, S. 1018 as amended, was tabled.

Yeas 71; Nays 6.

Yeas:

Messrs.: Albright, Andrews, Armstrong, Baker, Barron, Campbell, Carothers, Carter, Cates, Clark, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Greer, Gregg, Harrison, Higginbotham, Hill, Hines, Holley, Holmes, Hopping, Jackson (F), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—71

Nays:

Messrs.: Coburn, Goodwin, Hall, Hilliard, Jackson (R) and Tucker.

—6

The question was then on the adoption of the amendment No. 1 offered by Mr. Smith (J), to the bill, S. 1018 as amended, and the amendment was adopted.

Yeas 78; Nays 6.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Campbell, Carter, Cates, Clark, Cross, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCulley, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Rich, Riddick,

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Roberts, Robertson, Sasser, Smith (B), Smith (C) Smith (J), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—78

Nays: Messrs.: Carothers, Coburn, Hall, Lee, McCluskey and Shelton.

—6

Mr. Smith (J), offered the following amendment No. 2 to the bill, S. 1018 as amended:

Amend House Substitute for Senate Bill 1018, page 22, line 24, by inserting after the word "election", the following words: shall determine not to enter the second primary election,

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Goodwin, Greer, Gregg, Hall, Harrison, Higginbotham, Hill, Hilliard, Hines, Holley, Hopping, Jackson (F), Jolly, Kelley, Kennedy, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

Mr. Smith (J) offered the following amendment No. 3 to the bill, S. 1018 as amended:

In Section 28, at the end of the section on page 17, line 20, add as a part of such section the following:

The inspectors shall also post in a conspicuous place at the polling place, for public inspection there, a copy of the certificate of the result.

And the amendment was adopted.

Yeas 81; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Hopping, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNeas, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Weeks, White, Williams and Wyatt.

—81

S. 1018 TEMPORARILY CARRIED OVER

On motion of Mr. Owens, the bill, S. 1018, as amended, was temporarily carried over.

H. 490 RESUMED

Mr. Merrill offered the motion that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 490.

MOTION TO RECESS TABLED

On motion of Mr. Merrill, the motion offered by Mr. Johnson that the House recess, was tabled.

Yeas 56; Nays 46.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Higginbotham, Hines, Jackson (F), Kelley, Killian, Kinsey, Lee, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Roberts, Sandusky, Sasser, Shelton, (Smith (J), Smith (M), Sonnier, Sparks, Teague, Tucker, Venable, Waggoner, Weeks, White and Williams.

—56

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Cross, Drake, Ford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Jolly, Kennedy, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Plaster, Porter, Reed, Riddick, Robertson, Smith (B), Smith (C), Starkey, Taylor, Trammell, Turnham, Warren, Whatley and Wyatt.

—46

CONFERENCE COMMITTEE REPORT ADOPTED

The question was then on the motion offered by Mr. Merrill that the House concur in and adopt the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 490, and the motion was adopted.

Yeas 62; Nays 40.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Gregg, Harris, Higginbotham, Hines, Jackson (F), Jolly, Kelley, Killian, Kinsey, Lee, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Teague, Venable, Waggoner, Weeks, Whatley, White and Williams.

—62

Nays:

Messrs.: Albright, Andrews, Barron, Boles, Cross, Drake, Ford, Goodwin, Greer, Hall, Harrison, Hill, Hilliard, Holley, Holmes, Hopping, Howard,

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Jackson (R), Johnson, Johnstone, Kennedy, LeFlore, Leonard, Lewis, Lockett, Lutz, McNair, Martin, Naramore, Plaster, Porter, Reed, Riddick, Starkey, Taylor, Trammell, Tucker, Turnham, Warren and Wyatt.

—40

And the bill:

H. 490. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, and for the interest on the public debt and for the public schools.

As amended by the Report of the Committee on Conference, was again read at length and passed.

Yeas 77; Nays 22.

Yeas:

Mr. Speaker, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Goodwin, Greer, Gregg, Harris, Harrison, Higginbotham, Hill, Hines, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Owens, Pegues, Plaster, Porter, Rich, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Taylor, Teague, Tucker, Venable, Waggoner, Warren, Weeks, Whatley, White, Williams and Wyatt.

—77

Nays:

Messrs.: Andrews, Barron, Boles, Drake, Hall, Hilliard, Holley, Holmes, Hopping, Howard, Jackson (R), Johnson, Leonard, Lockett, Lutz, McNair, Naramore, Reed, Riddick, Starkey, Trammell and Turnham.

—22

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 1662. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverage are now sold.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. McCluskey, the rules were suspended in order to bring up out of order the bill, S. 75.

And the bill:

S. 75. To create the Office of Prosecution Services, to provide for the appointment of an Executive Director and his staff; and to provide for the duties of the office and the salary of such Director and employees.

Was read a third time at length and passed.

Yeas 71; Nays 4.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Holley, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Venable, Waggoner, Weeks, Whatley, White, Williams and Wyatt.

—71

Nays: Messrs.: Harrison, Hilliard, Jackson (R), and Tucker.

—4

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 795. Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieutenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists, or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 20. To provide that all retirement income received by any retired military personnel and survivor benefits derived therefrom shall be exempt from all state, county or city income taxes or like taxes.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

And said Bill, H. B. 1517, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

And said Bill, H. B. 784, together with the Conference Report, is herewith returned to the House.

McDOWELL LEE,
Secretary.

SPECIAL ORDER RESUMED

And the bill:

S. 152. To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

Was read a third time at length and passed.

Yeas 76; Nays 0.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carothers, Carter, Cates, Clark, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holley, Howard, Jackson (F), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCluskey, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Rich, Roberts, Robertson, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

And the bill:

S. 517. To authorize the registers and clerks of the circuit courts of this state to destroy all exhibits offered and received in evidence in

civil, and equity cases on or after one year from the final disposition of the case in which they were offered and received.

Was read a third time at length and passed.

Yeas 70; Nays 1.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Campbell, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Harrison, Hill, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McMillan, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Narmore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Smith (B), Smith (C), Smith (M), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Whatley, White, Williams and Wyatt.

—70

Nay: Mr. Shelton.

—1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

McDOWELL LEE,
Secretary.

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lee, the rules were suspended in order to bring up out of order the bill, S. 696.

And the bill:

S. 696. (With Amendments): Relating to the commitment of mentally ill persons to the custody of the State Department of Mental Health; prescribing the procedures for the involuntary commitment of mentally ill persons, prescribing the duties and responsibilities of all persons and departments concerned with the commitment of mentally ill persons; providing for the rights of persons sought to be committed as mentally ill; providing for the payment of costs of proceedings for the commitment of mentally ill persons; providing for appeal to circuit court by persons committed as mentally ill; prescribing the jurisdiction of the probate court in regard to persons committed as mentally ill; providing for the transfer of mentally ill persons to facilities operated by the United States; and repealing conflicting laws.

Was taken up.

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The question was then on the adoption of the amendment No. 1 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Bill 696, Section 6, page 4, lines 22 and 23 by striking on line 22 the words; and by striking on line 23 the words where said words appear thereon.

And the amendment was adopted.

Yeas 71; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hines, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Lewis, Lockett, McCluskey, McCulley, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—71

The question was then on the adoption of the amendment No. 2 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Bill 696, Section 1, page 2, line 9 of said bill by striking the word and inserting in lieu thereof the word petitioner.

And the amendment was adopted.

Yeas 77; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Harris, Hill, Holley, Jackson (F), Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—77

The question was then on the adoption of the amendment No. 3 reported by the Standing Committee on Health, said committee amendment being as follows:

Amend Senate Bill 696, Section 8, pages 5 and 6 of said bill by deleting in its entirety sub-paragraph 3 of said section and inserting in lieu thereof the following sub-paragraph 3:

3. The probate judge shall cause the hearing to be transcribed stenographically, mechanically or electronically and shall retain such transcription throughout any period of Commitment but not less than a period of three years from the date the petition is denied or granted.

And the amendment was adopted.

Yeas 74; Nays 0.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Holley, Jackson (F), Johnstone, Jolly, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Reed, Roberts, Sandusky, Shelton, Smith (B), Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—74

Mr. Gafford offered the following amendment to the bill, S. 696 as amended:

Amend Section 11 by deleting the words "county governing body" on line 15 and inserting in lieu thereof the following words, "Alabama State Department of Mental Health."

AMENDMENT TABLED

On motion of Mr. Manley, the amendment offered by Mr. Gafford to the bill, S. 696 as amended, was tabled.

Yeas 36; Nays 33.

Yeas:

Messrs.: Barron, Carothers, Carter, Cates, Clark, Folmar, Ford, Greer, Gregg, Harrison, Hill, Hopping, Jackson (F), Johnson, Johnstone, Kennedy, LeFlore, Leonard, Lewis, Lutz, McNair, Malone, Manley, Merrill, Mitchem, Morris, Pegues, Roberts, Robertson, Sandusky, Sasser, Smith (B), Sonnier, Turnham, Venable and Wyatt.

—36

Nays:

Mr. Speaker, Albright, Armstrong, Baker, Biddle, Callahan, Campbell, Coburn, Cross, Dial, Falkenburg, Gafford, Harris, Jolly, Kelley, Lockett, McCluskey, McCulley, McNees, Moore (O), Naramore, Plaster, Reed, Smith (C), Smith (M), Teague, Trammell, Tucker, Waggoner, Warren, Whatley, White and Williams.

—33

Mr. Callahan offered the following amendment No. 1 to the bill, S. 696 as amended:

Amend S. B. 696 as follows:

In the title, on page 1, line 21, strike the words and insert in lieu thereof the words:

Civil Court of Appeals

On page 7, Section 12, lines 25 and 26, delete the words and insert in lieu thereof the words:

Civil Court of Appeals

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On page 7, Section 12, lines 31 through 34 delete the following:

On page 8, Section 12, line 6, delete the words: and insert in lieu thereof the words:

appeal in the Civil Court of Appeals

On page 8, Section 12, line 8, delete the words and insert in lieu thereof the words:

Civil Court of Appeals

On page 8, Section 12, lines 8 through line 15, delete the following:

AMENDMENT TABLED

On motion of Mr. Lee, the amendment No. 1 offered by Mr. Callahan to the bill, S. 696 as amended, was tabled.

Yeas 69; Nays 2.

Yeas:

Messrs.: Albright, Armstrong, Barron, Brindley, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Edwards, Falkenburg, Folmar, Ford, Gafford, Goodwin, Greer, Gregg, Hall, Harris, Harrison, Hill, Hines, Holmes, Hopping, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Naramore, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (J), Sonnier, Sparks, Taylor, Trammell, Tucker, Turnham, Venable, Warren, White, Williams and Wyatt.

—69

Nays: Messrs. Biddle and Callahan.

—2

MOTION TO TAKE FROM TABLE LOST

The motion offered by Mr. Wyatt to take from the table the amendment offered by Mr. Gafford to the bill, S. 696, was lost.

Yeas 35; Nays 40.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan, Campbell, Carothers, Cross, Dial, Edwards, Falkenburg, Gafford, Howard, Jolly, Kinsey, McCluskey, McCulley, McMillan, Mitchem, Moore (O), Naramore, Plaster, Smith (B), Smith (C), Teague, Trammell, Tucker, Turnham, Waggoner, Warren, White, Williams and Wyatt.

—35

Nays:

Messrs.: Barron, Brindley, Carter, Cates, Coburn, Crowe, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harrison, Hill, Hilliard, Hines, Holmes, Jackson (F), Jackson (R), Johnson, Kennedy, LeFlore, Leonard, Lockett, Lutz, McNair, McNees, Manley, Merrill, Moore (W), Morris, Pegues, Riddick, Roberts, Robertson, Sasser, Shelton, Sparks, Taylor and Venable.

—40

Mr. Callahan offered the following amendment No. 2 to the bill, S. 696 as amended:

Amend S. B. 696, Section 11, line 21, by inserting after the word "committed," the following:

Provided, however, that any costs incurred in implementing the provisions of this act by Mobile County shall be reimbursed from funds out of the State General Fund to the county governing body.

AMENDMENT TABLED

On motion of Mr. Lee the amendment No. 2 offered by Mr. Callahan to the bill, S. 696 as amended, was tabled.

Yeas 62; Nays 9.

Yeas:

Mr. Speaker, Albright, Armstrong, Baker, Barron, Biddle, Brindley, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Goodwin, Greer, Hall, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Killian, Lee, LeFlore, Lewis, Lockett, McMillan, McNair, Mitchem, Moore (W), Pegues, Plaster, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Sonnier, Sparks, Taylor, Teague, Tucker, Turnham, Venable, Whatley, White, Williams and Wyatt.

—62

Nays:

Messrs.: Callahan, Gregg, Kinsey, Lutz, McCluskey, Naramore, Sandusky, Waggoner and Warren.

—9

Mr. Callahan offered the following amendment No. 3 to the bill, S. 696 as amended:

Amend S. B. 696, Section 11, line 21, by inserting after the word "committed," the following:

Provided, however, that any costs incurred in implementing the provisions of this act by Mobile County shall be reimbursed from funds out of the State Mental Health Fund to the county governing body.

AMENDMENT TABLED

On motion of Mr. Lee, the amendment No. 3 offered by Mr. Callahan to the bill, S. 696 as amended, was tabled.

Yeas 69; Nays 10.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Goodwin, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Kelley, Kennedy, Killian, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McNair, McNees, Manley, Merrill, Mitchem, Moore (W), Morris, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Smith (C), Sparks, Taylor, Teague, Trammell, Tucker, Venable, Whatley, Williams and Wyatt.

—69

Nays:

Messrs.: Callahan, Gafford, Johnstone, Kinsey, McMillan, Naramore, Sandusky, Waggoner, Warren and White.

—10

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MOTION TO POSTPONE TABLED

On motion of Mr. Lee, the motion offered by Mr. Callahan to postpone the bill, S. 696 as amended, to the thirty-sixth legislative day, was tabled.

Yeas 79; Nays 2.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Falkenburg, Folmar, Ford, Gafford, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Jolly, Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Naramore, Pegues, Plaster, Porter, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Sparks, Taylor, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—79

Nays: Messrs. Callahan and Glass.

—2

Mr. Martin offered the following amendment to the bill, S. 696 as amended:

Amend Section 11 by deleting the words "county governing body" on line 15 and inserting in lieu thereof the following words, "State General Fund."

MOTION TO TABLE LOST

The motion offered by Mr. Lee to table the amendment offered by Mr. Martin to the bill, S. 696 as amended, was lost.

Yeas 34; Nays 49.

Yeas:

Messrs.: Barron, Cates, Clark, Coburn, Folmar, Goodwin, Gregg, Harris, Harrison, Hilliard, Hines, Holmes, Hopping, Jackson (R), Johnson, Kennedy, Lee, Leonard, Lewis, Lockett, Lutz, McNair, McNees, Merrill, Mitchem, Plaster, Riddick, Robertson, Sasser, Shelton, Sonnier, Tucker, Venable and Whatley.

—34

Nays:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Ford, Gafford, Glass, Greer, Hall, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, McCluskey, McCulley, McMillan, Manley, Martin, Moore (O), Morris, Naramore, Rich, Roberts, Smith (B), Smith (C), Sparks, Taylor, Teague, Trammell, Waggoner, Warren, White, Williams and Wyatt.

—49

AMENDMENT ADOPTED

The question was then on the amendment offered by Mr. Martin to the bill, S. 696 as amended, and the amendment was adopted.

Yeas 61; Nays 22.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Clark, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Ford, Gafford, Glass, Greer, Gregg, Hall, Hill, Hines, Jackson (F), Johnstone, Jolly, Kelley, Killian, Kinsey, McCluskey, McCulley, McMillan, McNees, Manley, Martin, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Smith (B), Smith (C), Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, White, Williams and Wyatt.

—61

Nays:

Messrs.: Barron, Cates, Coburn, Folmar, Hilliard, Holmes, Hopping, Howard, Jackson (R), Johnson, Kennedy, Lee, Leonard, Lewis, Lockett, McNair, Merrill, Robertson, Sasser, Shelton, Tucker and Whatley.

—22

S. 696 POSTPONED

On motion of Mr. Manley, the bill, S. 696 as amended, was postponed to the thirty-sixth legislative day.

Yeas 69; Nays 12.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Brindley, Callahan, Carothers, Carter, Cates, Clark, Coburn, Cooper, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Glass, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holley, Holmes, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (W), Morris, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sasser, Shelton, Smith (B), Sparks, Teague, Tucker, Turnham, Venable, Whatley, Williams and Wyatt.

—69

Nays:

Messrs.: Andrews, Biddle, Cross, Gafford, Jolly, Lee, Moore (O), Naramore, Trammell, Waggoner, Warren and White.

—12

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Lutz, the rules were suspended in order to bring up out of order the bill, S. 416.

Yeas 74; Nays 0.

Yeas:

Messrs.: Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cross, Crowe, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Jolly, Kelley, Kennedy, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Merrill, Mitchem, Moore (O), Moore (W), Morris, Pegues, Plaster, Porter, Rich, Riddick,

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Roberts, Robertson, Sasser, Smith (B), Smith (C), Sparks, Starkey, Taylor, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Wyatt.

—74

And the bill:

S. 416. To amend Sections 36 and 38, as amended, of Title 53, Code of Alabama 1940, being Sections 9 and 11 of Act No. 542, Regular Session 1959, pp. 1335 et seq. which regulate transactions in securities in Alabama so as to resolve an ambiguity and make it clear that Alabama Credit Unions are entitled to the same exemptions enjoyed by banks, savings and loan associations and trust companies.

Was read a third time at length and passed.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Ford, Gafford, Glass, Greer, Gregg, Hall, Harris, Hill, Hilliard, Hines, Holley, Hopping, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNair, McNees, Manley, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Pegues, Plaster, Porter, Reed, Riddick, Roberts, Robertson, Sasser, Smith (B), Smith (C), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Whatley, White, Williams and Wyatt.

—82

Nay: Mr. Shelton.

—1

MOTION TO RECESS LOST

The motion offered by Mr. Cross that the House recess for one hour was lost.

Yeas 39; Nays 39.

Yeas:

Messrs.: Barron, Callahan, Coburn, Cooper, Cross, Dial, Folmar, Gafford, Hilliard, Holley, Holmes, Hopping, Jackson (R), Jolly, Kinsey, LeFlore, Leonard, Lewis, McCulley, McNair, Manley, Moore (O), Moore (W), Naramore, Reed, Roberts, Robertson, Sandusky, Shelton, Smith (C), Smith (M), Sonnier, Sparks, Teague, Trammell, Venable, Waggoner, Warren and White.

—39

Nays:

Mr. Speaker, Albright, Baker, Biddle, Campbell, Carothers, Carter, Cates, Clark, Edwards, Falkenburg, Greer, Hall, Harris, Harrison, Hill, Hines, Howard, Johnstone, Kelley, Kennedy, Killian, Lee, Lutz, McMillan, McNees, Malone, Merrill, Mitchem, Pegues, Plaster, Riddick, Sasser, Smith (B), Smith (J), Starkey, Turnham, Whatley and Williams.

—39

MOTION TO ADJOURN LOST

The motion offered by Mr. Carter that the House adjourn until Thursday, October 9, 1975, was lost.

Yeas 10; Nays 65.

Yeas:

Mr. Speaker, Carter, Cross, Hall, Hopping, Moore (W), Owens, Roberts, Robertson and Sasser.

—10

Nays:

Messrs.: Albright, Baker, Barron, Biddle, Boles, Callahan, Campbell, Carothers, Cates, Clark, Coburn, Cooper, Dial, Edwards, Falkenburg, Folmar, Greer, Gregg, Harris, Harrison, Hill, Hilliard, Hines, Holley, Howard, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lutz, McCluskey, McMillan, McNees, Malone, Merrill, Mitchem, Moore (O), Morris, Naramore, Pegues, Plaster, Reed, Riddick, Sandusky, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—65

MOTION TO RECESS

Mr. Rich offered the motion that the House recess for thirty minutes.

SUBSTITUTE MOTION ADOPTED

The substitute motion offered by Mr. Boles that the House recess until 9:30 o'clock p.m. was adopted.

And the motion as substituted was adopted and the House recessed until 9:30 o'clock p.m.

HOUSE RECONVENED

The hour of 9:30 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 784. To apply only in Mobile County; providing for service of witness subpoenas by mail.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON
ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 1517. Relating to Mobile County; to provide further for the disposition and use of a certain portion of the funds received by Mobile County under the provisions of Act No. 2, H. 47, Regular Session 1945 (Acts 1945, p. 20), as amended, providing for an oil and gas severance tax, and to specifically repeal Act No. 29, H. 30, Second Special Session 1956 (Acts 1956, p. 299), and all other laws or parts of laws in conflict herewith.

Also:

H. 1255. Providing a white cane law for Alabama, including provisions to ensure full and equal accommodations to the blind and otherwise disabled, the right to be accompanied by a guide dog, penalties for failure on the part of a driver to take necessary precautions to avoid injuring blind pedestrians; penalties for denial or interference with admittance of blind or otherwise disabled persons to public facilities or for otherwise interfering with the rights of such persons; setting forth a state employment policy towards the blind; and providing that blind and otherwise disabled persons shall be entitled to equal access to housing accommodations offered for rent, lease, or compensation in this state.

And finds same correctly enrolled.

TOM DRAKE,
Chairman.

SIGNING OF BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the above and foregoing report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H. J. R. 343. CONGRATULATING HUNTSVILLE SENIOR HIGH SCHOOL UPON BEING AWARDED THE NATIONAL BELLAMY AWARD.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The President and Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 795. Authorizing the Department of Public Safety to protect the person of the Governor, Governor-elect, Lieutenant Governor, Lieu-

tenant Governor-elect, Attorney General, Attorney General-elect, other officials of the state and distinguished visitors; defining terms used in this act; providing for penalties for anyone who obstructs, resists or interferes with officers of the Department of Public Safety in the performance of this protective function, as well as penalties for anyone threatening the life or person of the Governor or other protectees of the Department of Public Safety.

MCDOWELL LEE,
Secretary.

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the above and foregoing Message from the Senate.

S. 1018 RESUMED

And the bill, S. 1018 which was temporarily carried over as amended, was read a third time at length and passed.

Yeas 82; Nays 1.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Clark, Cooper, Crawford, Crowe, Dial, Drake, Edwards, Folmar, Ford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hill, Hilliard, Hines, Holley, Howard, Jackson (F), Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McMillan, McNair, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Plaster, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren, Whatley, Williams and Wyatt.

—82

Nay: Mr. Coburn.

—1

MOTION TO SUSPEND RULES ADOPTED

On motion of Mr. Smith (M), the rules were suspended in order to bring up out of order the bill, S. 616.

Yeas 59; Nays 10.

Yeas:

Mr. Speaker, Armstrong, Biddle, Brindley, Campbell, Carter, Cates, Cooper, Dial, Edwards, Folmar, Glass, Greer, Gregg, Hall, Harris, Hilliard, Hines, Holley, Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lewis, Lockett, McCulley, McMillan, McNair, Manley, Martin, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Turnham, Waggoner, Warren, Whatley, Williams and Wyatt.

—59

Nays:

Messrs.: Albright, Carothers, Clark, Ford, Jackson (F), Johnson, Merrill, Robertson, Smith (C) and Taylor.

—10

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MOTION TO ADJOURN LOST

The motion offered by Mr. Crowe that the House adjourn until 10:00 o'clock a.m., Thursday, October 9, 1975, was lost.

Yeas 36; Nays 48.

Yeas:

Mr. Speaker, Armstrong, Biddle, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Crawford, Crowe, Drake, Harris, Hines, Jackson (F), Kennedy, Kinsey, Lee, Lockett, McMillan, Malone, Manley, Merrill, Moore (W), Owens, Pegues, Reed, Rich, Roberts, Sandusky, Sasser, Sonnier, Sparks, Taylor, Waggoner and Williams.

—36

Nays:

Messrs.: Albright, Andrews, Baker, Barron, Brindley, Carothers, Cates, Dial, Edwards, Folmar, Ford, Glass, Greer, Gregg, Hall, Harrison, Hilliard, Holley, Howard, Jackson (R), Johnson, Johnstone, Kelley, Killian, Leonard, Lewis, Lutz, McCluskey, McCulley, McNair, Martin, Moore (O), Naramore, Riddick, Robertson, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Starkey, Teague, Trammell, Turnham, Venable, Warren, Whatley and Wyatt.

—48

S. 616 RESUMED

And the bill:

S. 616. (With Substitute): To provide that the annual sessions of the legislature shall commence on the last Tuesday in March of each of the first three years of the term of office of the legislature and on the third Tuesday in January of the fourth year of said term.

Was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide that the annual sessions of the legislature shall commence on the first Tuesday in February of each year.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual sessions of the Alabama Legislature shall commence on the first Tuesday in February of each year, commencing in the year 1976.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And the substitute was adopted.

Yeas 67; Nays 12.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Cates, Clark, Cooper, Cross, Crowe, Dial, Drake, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Hall, Harris, Hines, Jackson (F), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lewis, Lockett, Lutz, McCluskey, McCulley, McMillan, Malone, Manley, Merrill, Moore (O), Moore (W), Morris, Owens, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Taylor, Teague, Trammell, Turnham, Venable, Waggoner, Warren and Whatley.

—67

Nays:

Messrs.: Albright, Carothers, Ford, Hilliard, Holley, Naramore, Robertson, Sasser, Smith (C), Tucker, White and Wyatt.

—12

UNANIMOUS CONSENT GRANTED

Unanimous consent was granted for the Journal to show that had Mr. Holmes been in the Chamber at the time of voting on the bill, S. 1018, he would have voted "Yea".

MOTION TO ADJOURN LOST

The motion offered by Mr. Carothers that the House adjourn until 10:00 o'clock a.m., Thursday, October 9, 1975, was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Johnson that the House adjourn until 10:00 o'clock a.m., Thursday, October 9, 1975, was lost.

Yeas 12; Nays 77.

Yeas:

Messrs.: Boles, Carter, Coburn, Drake, Ford, Hilliard, Holley, Johnson, LeFlore, Robertson, Taylor and Wyatt.

—12

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Callahan, Campbell, Carothers, Cates, Clark, Cooper, Cross, Crowe, Dial, Edwards, Falkenburg, Folmar, Gafford, Glass, Greer, Gregg, Hall, Harris, Harrison, Hines, Howard, Jackson (F), Jackson (R), Johnstone, Kelley, Kennedy, Killian, Kinsey, Lee, Leonard, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Manley, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley and Williams.

—77

S. 616 RESUMED

Mr. Smith (M), offered the following amendment to the bill, S. 616 as amended:

Amend substitute for Senate Bill 616 on page 1, line 23, by striking out the figure "1976" and inserting in lieu thereof 1977.

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MOTION TO TABLE

Mr. Smith (B) offered the motion to table the amendment offered by Mr. Smith (M) to the bill, S. 616 as amended.

CALL FOR A VIVA VOCE VOTE LOST

The call of Mr. Wyatt for a viva voce vote was lost.

Yeas 3; Nays 81.

Yeas: Messrs. Johnson, Robertson and Wyatt.

—3

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Clark, Coburn, Cooper, Cross, Crowe, Dial, Drake, Falkenburg, Folmar, Ford, Gafford, Glass, Gregg, Hall, Harris, Hilliard, Hines, Holmes, Jackson (F), Jackson (R), Kelley, Kennedy, Killian, Kinsey, Lee, LeFlore, Lockett, Lutz, McCluskey, McCulley, McMillan, McNair, McNeas, Malone, Martin, Merrill, Moore (O), Moore (W), Morris, Naramore, Owens, Pegues, Reed, Rich, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Smith (C), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White and Williams.

—81

AMENDMENT TABLED

The question was then on the motion offered by Mr. Smith (B) to table the amendment offered by Mr. Smith (M) to the bill, S. 616 as amended, and the amendment was tabled.

Yeas 42; Nays 36.

Yeas:

Messrs.: Baker, Boles, Brindley, Callahan, Cates, Cooper, Cross, Folmar, Hall, Harrison, Hilliard, Holmes, Howard, Jackson (R), Johnson, Johnstone, Kennedy, Lewis, Lockett, Lutz, McMillan, Manley, Martin, Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (M), Sonnier, Tucker, Turnham, Venable, Waggoner, Warren and Whatley.

—42

Nays:

Mr. Speaker, Albright, Armstrong, Barron, Biddle, Campbell, Carothers, Carter, Clark, Coburn, Crowe, Dial, Edwards, Ford, Gafford, Gregg, Harris, Holley, Kinsey, LeFlore, Leonard, McCluskey, McCulley, McNeas, Malone, Merrill, Moore (O), Morris, Owens, Rich, Smith (C), Taylor, Teague, White, Williams and Wyatt.

—36

MOTION TO TAKE FROM TABLE ADOPTED

The motion offered by Mr. Owens to take from the table the amendment previously offered by Mr. Smith (M) to the bill, S. 616 as amended, was adopted.

Yeas 51; Nays 38.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Callahan, Carothers, Cates, Clark, Crowe, Dial, Drake, Edwards, Falkenburg, Ford,

Gafford, Gregg, Hines, Jackson (F), Kelley, Killian, Kinsey, Lee, Leonard, McCluskey, McCulley, McMillan, McNees, Malone, Manley, Merrill, Moore (W), Morris, Owens, Plaster, Rich, Sandusky, Sasser, Smith (C), Smith (J), Sparks, Starkey, Taylor, Teague, Trammell, Venable, Waggoner, Warren, White and Williams.

—51

Nays:

Messrs.: Albright, Boles, Brindley, Campbell, Carter, Cooper, Cross, Folmar, Greer, Hall, Harrison, Hilliard, Holley, Howard, Jackson (R), Johnson, Johnstone, Kennedy, LeFlore, Lockett, Lutz, McNair, Martin, Moore (O), Naramore, Pegues, Porter, Riddick, Roberts, Robertson, Shelton, Smith (B), Smith (M), Sonnier, Tucker, Turnham, Whatley and Wyatt.

—38

MOTION TO ADJOURN LOST

The motion offered by Mr. White that the House adjourn was lost.

S. 616 RESUMED

The question was then on the amendment offered by Mr. Smith (M) to the bill, S. 616 as amended.

SUBSTITUTE AMENDMENT OFFERED

Mr. White offered the following substitute amendment to the bill, S. 616 as amended:

Amend substitute for Senate Bill 616 on page 1, line 23, by striking out the figure 1976 and inserting in lieu thereof 1978.

And the substitute amendment was adopted.

Yeas 46; Nays 39.

Yeas:

Mr. Speaker, Armstrong, Baker, Barron, Biddle, Carothers, Carter, Clark, Coburn, Crowe, Dial, Edwards, Ford, Gafford, Goodwin, Gregg, Hines, Johnson, Johnstone, Kelley, Killian, Kinsey, Lee, LeFlore, McCulley, McMillan, McNees, Malone, Merrill, Mitchem, Morris, Owens, Rich, Robertson, Smith (C), Smith (J), Smith (M), Starkey, Taylor, Teague, Turnham, Waggoner, Warren, White, Williams and Wyatt.

—46

Nays:

Messrs.: Albright, Andrews, Boles, Brindley, Callahan, Campbell, Cates, Cooper, Cross, Folmar, Greer, Hall, Harrison, Hilliard, Holley, Holmes, Howard, Jackson (R), Leonard, Lewis, Lockett, McNair, Martin, Moore (O), Moore (W), Naramore, Pegues, Plaster, Riddick, Roberts, Sandusky, Sasser, Shelton, Smith (B), Sonnier, Sparks, Tucker, Venable and Whatley.

—39

AMENDMENT OFFERED

Mr. Hall offered the following amendment to the bill, S. 616 as amended:

Amend S. B. 616 by deleting the word "February" on line 22 of section 1 and add in its place the word "March"

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S. 616 POSTPONED

On motion of Mr. Smith (M), the bill, S. 616 as amended, was postponed to the thirty-sixth legislative day.

Yeas 56; Nays 23.

Yeas:

Mr. Speaker, Andrews, Armstrong, Barron, Biddle, Brindley, Callahan, Campbell, Carter, Clark, Coburn, Cooper, Cross, Dial, Edwards, Falkenburg, Folmar, Gafford, Greer, Harris, Harrison, Hill, Hines, Kennedy, Killian, Kinsey, Leonard, Lockett, McCluskey, McCulley, McMillan, McNair, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Moore (W), Morris, Naramore, Owens, Plaster, Rich, Roberts, Sasser, Smith (B), Sonnier, Sparks, Starkey, Trammell, Tucker, Waggoner, Warren, Whatley and White.

—56

Nays:

Messrs.: Baker, Boles, Carothers, Ford, Gregg, Hilliard, Holley, Holmes, Howard, Johnson, Lee, Pegues, Riddick, Shelton, Smith (C), Smith (J), Smith (M), Taylor, Teague, Turnham, Venable, Williams and Wyatt.

—23

RESOLUTION

The following resolution was introduced:

By Mr. Venable:

H. R. 422. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, that when the House adjourns today it will adjourn to meet again on Thursday, October 9, 1975, at 10:00 a.m.

On motion of Mr. Venable, the rules were suspended and the resolution, H. R. 422, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Mr. Carothers that the House adjourn was lost.

MOTION TO ADJOURN LOST

The motion offered by Mr. Teague that the House adjourn until Thursday, October 9, 1975, was lost.

SPECIAL ORDER RESUMED

And the bill:

S. 219. Relating to mobile home safety, making it unlawful to occupy a mobile home unless it is anchored to resist certain wind loads; providing the Alabama State Fire Marshal with authority to promulgate rules and regulations to enforce this act and providing criminal and other penalties for its violation.

Was read a third time at length and passed.

Yeas 68; Nays 3.

Yeas:

Mr. Speaker, Andrews, Armstrong, Baker, Barron, Biddle, Brindley, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Falkenburg, Folmar, Ford, Greer, Hall, Harrison, Hilliard, Hines, Holley, Holmes,

Jackson (R), Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, LeFlore, Leonard, Lockett, McCluskey, McMillan, McNees, Manley, Martin, Merrill, Mitchem, Morris, Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Taylor, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, White and Williams.

—68

Nays: Messrs.: Dial, Gafford and Whatley.

—3

RESOLUTION

The following resolution was introduced:

By Mr. Warren:

H. J. R. 423. NAMING SB 152 the Harris-Jones Bill.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That S. B. 152, which has passed both houses, be designated and known as "The Harris-Jones Bill."

On motion of Mr. Warren, the rules were suspended and the resolution, H. J. R. 423, was adopted.

SPECIAL ORDER RESUMED

And the bill:

S. 220. To amend Section 6 of Act No. 1938, H. 262, Regular Session 1971, approved September 20, 1971, which act establishes a Uniform Standards Code for the construction of mobile homes to be sold within this state so as to require the posting of bond by the dealer or manufacturer before the issuance of a license by the State Fire Marshal.

Was read a third time at length and passed.

Yeas 72; Nays 3.

Yeas:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Barron, Biddle, Boles, Brindley, Callahan, Campbell, Carothers, Carter, Cates, Coburn, Cooper, Cross, Dial, Falkenburg, Folmar, Greer, Gregg, Hall, Harrison, Hines, Holley, Jackson (R), Johnson, Johnstone, Kennedy, Kinsey, LeFlore, Leonard, Lewis, Lockett, Lutz, McCluskey, McMillan, McNees, Malone, Martin, Merrill, Mitchem, Moore (O), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts, Robertson, Sandusky, Sasser, Shelton, Smith (B), Smith (J), Smith (M), Sonnier, Sparks, Starkey, Teague, Trammell, Tucker, Turnham, Venable, Waggoner, Warren, Whatley, White, Williams and Wyatt.

—72

Nays: Messrs.: Clark, Holmes and Killian.

—3

MOTION TO ADJOURN LOST

The motion offered by Mr. Holley that the House adjourn until Thursday, October 9, 1975, was lost.

Yeas 19; Nays 63.

Yeas:

Messrs.: Barron, Boles, Brindley, Clark, Coburn, Edwards, Greer, Hall,

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Hilliard, Lee, LeFlore, Leonard, Malone, Moore (O), Shelton, Smith (B),
Starkey, Trammell and Wyatt.

—19

Nays:

Mr. Speaker, Albright, Andrews, Armstrong, Baker, Biddle, Callahan,
Campbell, Carothers, Carter, Cooper, Cross, Dial, Falkenburg, Folmar,
Gregg, Harris, Harrison, Hines, Holley, Holmes, Howard, Jackson (R),
Johnson, Johnstone, Kelley, Kennedy, Killian, Kinsey, Lewis, Lockett,
McCluskey, McCulley, McMillan, McNees, Manley, Martin, Merrill,
Moore (W), Naramore, Owens, Pegues, Plaster, Rich, Riddick, Roberts,
Robertson, Sandusky, Sasser, Smith (C), Smith (J), Smith (M), Sonnier,
Sparks, Teague, Tucker, Turnham, Venable, Waggoner, Warren, Whatley,
White and Williams.

—63

MOTION TO SUSPEND RULES

Mr. Pegues offered the motion to suspend the rules in order to bring
up out of order the bill, S. 473.

CERTIFICATE OF CLERK

To The House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills
hereinafter mentioned were delivered to the Executive Department on
the date and hour named and that I hold the receipt of the Executive
Department for same.

Delivered to the Governor at 11:40 A.M. On October 2, 1975.

H. 1493
H. 1842
H. 1845
H. 1851
H. 1852
H. 1863
H. 1875
H. 1876
H. 1348
H. 1261
H. 1843
H. 1835
H. 64
H. 1568
H. 1790
H. 1711
H. 713
H. 902
H. 603
H. 1230
H. 1728
H. 1426
H. 76
H. 1702
H. 1401
H. 1707
H. 1125
H. 1289
H. 810

H. 1752
H. 915
H. 1592
H. 1758
H. 1831
H. 60
H. 801
H. 1518
H. 1738
H. 1837
H. 1841
H. 1688
H. J. R. 380
H. J. R. 350
H. J. R. 339
H. J. R. 351
H. J. R. 352
H. J. R. 354
H. J. R. 359
H. J. R. 364
H. J. R. 371
H. J. R. 390
H. 837

Delivered to the Secretary of State at 11:45 A.M. On October 2, 1975.

H. 1898

Delivered to the Governor at 3:00 P.M. On October 2, 1975.

H. 1285
H. 978
H. 1916
H. 1824
H. 203
H. 783
H. 1917
H. 531
H. 897
H. 1742
H. 570
H. J. R. 368

Delivered to the Governor at 3:15 P.M. On October 2, 1975.

H. 1822
H. 1894
H. 1896
H. 1909
H. 1912
H. 1921
H. 1924

Delivered to the Secretary of State at 3:15 P.M. On October 2, 1975.

H. 1889

Delivered to the Governor at 7:15 P.M. On October 2, 1975.

H. 1456
H. 1161

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H. 1950
H. 1506
H. 1902
H. 1926
H. 1928
H. 1937
H. 1938
H. 1885
H. 1933
H. 1899
H. 1795
H. 1437
H. 1892
H. 1883
H. 1906
H. 781
H. 782
H. 357
H. 1905
H. 1903
H. 1850
H. 1874
H. 1901
H. 1936
H. 1836
H. 1864
H. 1865
H. 1866
H. 1867
H. 1318
H. 159
H. 916
H. 1120
H. 376
H. J. R. 102
H. J. R. 338
H. J. R. 370
H. J. R. 373
H. J. R. 376
H. J. R. 377
H. J. R. 399
H. J. R. 400
H. J. R. 403
H. J. R. 404
H. J. R. 406
H. J. R. 410
H. 211
H. 1740
H. 1545
H. 1390
H. 1853
H. 1848
H. 1927

Delivered to the Secretary of State at 7:15 P.M. On October 2, 1975.

H. 1463

Delivered to the Governor at 7:40 P.M. On October 2, 1975.

H. 1662

Delivered to the Governor at 8:40 P.M. On October 2, 1975.

H. 784

H. 1517

H. 1255

JOHN W. PEMBERTON,
Clerk.

ADJOURNMENT

The hour of 12:00 o'clock, midnight, having arrived and pursuant to the resolution, H. R. 422 heretofore adopted, the Speaker declared the House adjourned until 10:00 o'clock a.m., Thursday, October 9, 1975.
